

JOURNAL  
OF THE  
SESSION 1873.  
OF THE  
SENATE OF ALABAMA,

COMMENCING ON THE 17<sup>TH</sup> OF NOVEMBER, 1873.

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WITH INDEX, ETC.,  
PREPARED BY NEANDER H. RICE, SECRETARY OF STATE.

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# JOURNAL.

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SENATE CHAMBER,  
MONTGOMERY, ALABAMA, }  
November 17th, 1873. }

Be it remembered, that this being the third Monday in November, 1873, the day fixed by law for the annual meeting of the General Assembly of the State of Alabama, at the hour of 12 o'clock, meridian,

Hon. Alexander McKinstry, Lieutenant-Governor and President of the Senate, called the Senate to order.

## ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Goodloe, Hamilton, Haralson, Harris, Hewitt, Jones, Leftwitch, Martin, Miller, Parks, Pennington, Royal, Snodgrass, Terrell, and Wilson—22.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 17, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives is now duly organized, and ready to proceed to public business.

ROBERT BARNET,  
Clerk of House.

## RESOLUTIONS.

Mr. Pennington offered the following resolution, which was read and adopted ;

*Resolved*, That the Secretary of the Senate be instructed to inform the House of Representatives that a quorum of the Senate is present, and that the Senate is organized and ready for the transaction of business.

Also, the following joint resolution, which was read and adopted :

*Resolved*, That a committee of three on the part of the Senate be appointed by the President of the Senate, to act with a like committee on the part of the House, whose duty it shall be to wait upon the Governor and inform him that the two Houses of the General Assembly are organized and ready to receive any communication which he may have to make.

Messrs. Pennington, Hamilton and Cooper were appointed a committee on the part of the Senate.

## CREDENTIALS.

Mr. Coleman presented the certificate of election of Mr. John W. Grayson, Senator elect from the 4th senatorial district ;

Which was read.

Mr. Cooper moved that a committee of three be appointed by the President, to be called the Committee on Credentials, and that Mr. Grayson's credentials be referred to said committee.

Which motion was carried.

Thereupon, the President appointed Messrs. Cooper, Pennington and Wilson, said committee.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
November 17, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has adopted a joint resolution authorizing the appointment of a joint committee, &c., and ordered the same to the Senate, without engrossment.

ROBERT BARNER,  
Clerk of House.

## CREDENTIALS.

Mr. Cooper, from the Committee on Credentials, reported favorably on Mr. Grayson's credentials;

Whereupon, Mr. Grayson came forward and was duly qualified according to law, and took his seat.

## CONCURRENCE.

On motion of Mr. Dereen, the Senate concurred in the House joint resolution authorizing the appointment of a joint committee, &c.

## CALL OF THE DISTRICTS.

On a call of the districts the following bills and joint resolutions were introduced:

By Mr. Hewitt—

To repeal an act entitled an act to authorize the publication of laws of Alabama, approved October 10, 1868, and an act entitled an act to amend the same, approved December 19, 1871;

Which bill was read twice, under a suspension of the constitutional rule, and referred to Committee on Printing, with instructions to report as early as practicable.

By Mr. Cunningham—

To authorize the chancery courts to sell, for distribution, the lands of joint-owners;

By Mr. Terrell—

To repeal sections 1858, 1859, and 1860 of the Revised Code of Alabama;

By Mr. Terrell—

To amend section 2562 of the Revised Code of Alabama;

By Mr. Terrell—

To render fraudulent and void all contracts in the nature of mortgages, lien notes, or obligations given in consideration for guano, or other fertilizers, at a price exceeding thirty dollars per ton;

By Mr. Dereen—

To enable clerks of the circuit courts to collect costs in civil suits;

By Mr. Hamilton—

To provide for the deposit at interest, and for safe-keeping, of funds in the hands of garnishees, officers of

court, executors, administrators, guardians, and trustees;

Which bills were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Harris—

To repeal an act entitled an act to secure justices of the peace and notaries public in their fees in certain cases, approved December 16th, 1871;

By Mr. Dereen—

To regulate the fees of constables in the county of Marengo;

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and passed.

Mr. Doster offered the following

#### JOINT RESOLUTIONS:

WHEREAS, the present financial condition of the State imperatively demands the exercise of a rigid economy in every branch of the State government; therefore,

*Resolved by the Senate, the House of Representatives concurring,* That a joint committee of three from each House of the General Assembly be appointed to investigate, and report as early as practicable, what officers and employees connected with either House of the General Assembly may be dispensed with.

*Resolved further,* That during the present session of the Legislature, (which should be as short as the public service will justify,) no committee of either House of the General Assembly shall be allowed a Clerk.

Mr. Hamilton moved to amend, by inserting after the words "General Assembly," where they occur in the last resolution, the words "excepting the Committee on the Judiciary;"

Which amendment was adopted.

The joint resolutions, as amended, were adopted.

Mr. Grayson announced the death of Hon. Stephen H. Murphy, late Senator from the 4th senatorial district, and moved that a committee of three be appointed by the President of the Senate to report suitable resolutions in relation to his death;

Which motion was carried.

Thereupon, the President appointed Messrs. Grayson, Hamilton and Martin said committee.

## LEAVE OF ABSENCE.

Leave of absence for three days was granted to Mr. Hewitt.

## MESSAGE FROM THE GOVERNOR.

A message from the Governor was received, by the hands of Mr. Charles J. Atkinson, his Recording Secretary, being his annual message and its accompanying documents.

The annual message was read, as follows:

EXECUTIVE DEPARTMENT, }  
STATE OF ALABAMA, }  
Moutgomery, November 17, 1873. }

*Gentlemen of the Senate*

*and House of Representatives:*

Before we proceed to the consideration of our duties as rulers of the State of Alabama, let us lift our hearts in fervent prayer to Almighty God, that our actions may be so guided by His spirit that they may build up the waste of our beloved State, tranquilize the feelings of our people, and be acceptable to His holy purposes. For it is only by living in accordance with His laws that we can permanently prosper—physically, mentally, morally, or politically. The chastisement which we have received at His hands during the present year, in the pestilences which have devastated our cities, and in our crops, stunted by the plagues which have devoured them, and in the financial convulsions which have swept sustenance from the laborer, as well as profits and fortune from the capitalist, should teach us dependence on Him, who holds the Universe in the hollow of His hand, and that the only true wisdom and wealth are in the knowledge and obedience of His will.

I have the honor to submit to your consideration herewith copies of the reports of the Auditor, the Treasurer, the Commissioner of Industrial Resources, the Superintendent of Public Instruction, and from the other public institutions of the State.

## FINANCE.

The subject of the State finances demands your most serious and thoughtful consideration. The embarrassment surrounding our pecuniary engagements and the means of complying with them, though serious before, are of course enhanced by the crisis in money circles. We are still suffering the crisis commencing over two years since, in our experiment of constructing important lines of railroads, mainly by State credit. The theory that a railroad, while in progress of construction, could pay the interest on the bonds issued to build it, has been shown to be false; and this failure of the railroads to pay interest on the bonds, endorsed by the State, devolves on the State a debt, the means for paying which have not been provided for in her assessment of taxes. The State has been in default in the payment of interest on some of these endorsed bonds since January 1870.

The immediate effect to the injury of the State of this failure to pay the interest on these endorsed bonds, was to impair the market value of all her securities, to render loans impracticable, except at great sacrifice, and eventually to render her bonds unsaleable at rates that could be entertained.

It was hoped by this department, that the prompt payment of the interest on the bonds of the State, negotiated for its own loans, would keep that line of securities on a footing of recognized value, and afford the means of paying the past due coupons on the endorsed bonds, until a better day would dawn on the railroads themselves, and thus tide over our difficulties. But wall street refused to recognize a compliance by the State with her financial obligations as long as any coupon of an endorsed bond of the State was not provided for on maturity.

The whole of the last issue of State bonds could have been sold for eighty-five cents on the dollar, to parties interested in the endorsed bonds of the railroads, provided all past due coupons were paid. But the State did not have a sufficiency of bonds to discharge all these coupons and pay the interest on the direct bonds of the State. If the act of the Legislature, entitled "An act to maintain the credit of Alabama," approved February 25, 1873, had authorized the issue of two millions of bonds, there would have been a sufficiency of funds at the command of this department to have paid off all the interest

past due and accruing on both the direct and endorsed bonds of the State during the financial year just closed. But the Legislature having authorized the issue of an amount inadequate to meet all the interest debt of the State, no sale could be made of the bonds authorized to be issued. This department has been unable to sell for money any of the State bonds during the present administration, being forced to follow in the footsteps of its predecessor in raising money by the hypothecation of the securities of the State as it best could.

I recommend that for the purpose of redeeming the bonds of the State that are now hypothecated, that a new issue of bonds be authorized in such sums as the General Assembly shall find to be necessary, redeemable at the pleasure of the State, to run not exceeding ten years, bearing interest at 8 per cent, the coupons to be receivable in all dues to the State, in denominations of one hundred dollars or more, each. Such a security will command a home market, and it is hoped will inaugurate the domestication of our debt. Much surplus money in the State, timid of investment in new enterprises, might seek such a security, and the denomination of the bonds would present a rival security to the banks of deposit which pay interest to its depositors. I would respectfully suggest, further, that all trustees be authorized to invest fiduciary funds in these bonds, by an act properly guarded. The negotiation of such a security would relieve the State from its present embarrassment in respect to its hypothecated securities, and enable it to use its means for the future according to exigencies. Such an issue of bonds should be accompanied with an act, that the Auditor's warrants should no longer be received in payment of the taxes of the State. The funding of the warrants now outstanding would afford great relief to the present wants of the State.

It is believed that the past due coupons of the Alabama and Chattanooga road, together with the approaching January interest, can be funded in bonds of the State, at ninety cents in the dollar, without cost or commission to the State. I earnestly recommend the passage of such acts as may be necessary to accomplish this adjustment of the outstanding interest. When it is remembered that the credit of the State fell with the failure to pay the interest on those bonds, and that they embrace the bulk of the unpaid interest of the State, it is believed that no



measure can be adopted, so well calculated to restore the credit of the State as the adjustment of this interest on terms satisfactory to the holders of the coupons.

Unquestionably the embarrassment of the State growing out of her complications with the unfinished railroads in her borders is very serious. Yet it must be remembered that other States have encountered the same troubles in a spirit of like enterprise. The present development and prosperity of the great State of Pennsylvania has been preceded by the depression of her finances and credit, in her assistance to her railroad enterprises, even greater than that which now presses on our State. The development of our vast mineral resources could never have been attained but through the instrumentality of railroads. Land-locked and remote from all markets, transportation was essential to render them a source of wealth. The prize to be attained is worth the sacrifice. When capital and skilled labor shall, at no distant day, utilize the minerals, water power, and lumber of our State, which were all worthless without means of access to market, our cotton crop will be only a secondary and subordinate source of wealth.

#### TAXATION.

Our experience during the financial year which has just closed, inclines me to adhere to the recommendation which was made in my special message to you, during your last session, as to the increase in the rate of taxation, which is necessary to meet the wants of our State treasury. Its adoption now will place us, after another year, in possession of a revenue which is very much needed at the present time. The State, as you know, has not been able to sell her bonds for money, on satisfactory terms, for two years. The failure of most of our railroads, whose bonds have been endorsed by the State, to pay the interest thereon, and the wide-spread money-pressure that now banishes all confidence from business, teach us that we can have no reasonable expectation of deriving money from any source except that of taxation. It will be necessary, therefore, for you to revise with the utmost care your laws on the subject of taxation, and carefully explore and utilize all sources of revenue not now embraced in the same.

And I again urge on your attention the propriety and

necessity of a State Board of Equalization, to secure the purpose contemplated by section 1, article IX, of the State Constitution. The present report of the Auditor furnishes additional evidence showing the necessity for such a board, not only that assessments may be in exact proportion to the value of property, as the constitution requires, but that reasonable calculations of the yield of our tax bills may be realized in collections.

The law in respect to the taxes paid by insurance companies should be most carefully revised. The law, as worded, allows such companies—both Life and Fire—to escape a large part of the taxation that should be borne by them. In this connection, I would further suggest that all non-resident corporations, engaged in the insurance business in this State, whether against death or fire, should be made to deposit with the Treasurer of the State such security for the payment of the losses on their policies to our citizens as will be a reasonable protection to them against loss. There should be a minimum deposit required of each company, and an additional amount in proportion to the sum total of their policies in the State.

Your laws in respect to the disposition by re-sale of lands which have been purchased by the State at tax sale need revision. The State has quite a large amount of taxes locked up in such lands. Some officer should have authority to re-sell the same, on application of purchasers, for taxes, interest and expenses.

#### ECONOMY.

There is no lesson taught us so forcibly by all our surroundings as economy in every branch of the State Government, and this should be rigidly enforced in all cases, circumscribed alone by the necessities of the public service. Its benefits will be felt, not only in our State finances, but the example will produce a spirit of good management and thrift in the community. When the State, by its example, does honor to a virtue, it becomes more acceptable to the community.

#### RAILROADS.

The condition of the railroads, for which the State has endorsed bonds, is the cause and key of our troubles in

credit and finance. Since your adjournment nothing has occurred to render the general outlook more favorable.

The Alabama and Chattanooga road is in the hands of Receivers, appointed by the Circuit Court of the United States, sitting at Mobile—Mr. Ingram not having complied with the act of the Legislature authorizing the sale to him, and no other purchasers having offered to accept the property on the same terms. There has been a change in the Receivers of the road, by what is supposed to have been a voluntary resignation of Messrs. Rice and Haralson, and the appointment of Messrs. Murdock and Elliott as successors, who have just assumed control of the same. This Department has no information whatsoever of the condition, management, receipts, disbursements, outstanding certificates, or other matters connected with said road, nor has it any authority to obtain the same.

The South and North road has cancelled the bonds of that corporation endorsed by the State to the amount of three millions six hundred and thirty-two thousand dollars, which have been disposed of as the law directs, and is now entitled to the benefit of the act entitled "An act to provide for the substitution of State bonds to the amount of \$4,000 per mile, in lieu of State endorsement of bonds of the various railroad companies of the State," approved April 21, 1873. The bonds authorized by this act have not been, but will be, issued as soon as received. Though all the roads entitled to the benefit of this act, except the East Alabama and Cincinnati road, have notified this Department of their intention to accept the provisions of the same, none of them have taken any other step in that direction known to this Department, except the notice of their acceptance of the terms of the act.

No settlement has yet been made with the Montgomery and Eufaula Railroad under the authority of an act entitled "An act to authorize the Governor to settle with the Montgomery and Eufaula Railroad Company," approved April 13, 1873, though this Department is advised by those in the interest of that road, that the settlement authorized will soon be made.

It was believed that a purchaser was found for the Selma and Gulf Railroad, on terms that would indemnify the State, and advertisement was accordingly made to complete the title to the same by a sale under the mortgage to the State for the \$40,000 00 loaned said road.

But all this has been postponed by unavoidable causes, so that its consummation has not been effected. That road is now in the hands of receivers, appointed by the Sehna Chancery Court, and is sought to be subjected to a lien of certificates to be issued, and disbursed by the receivers, whose lien will be paramount to the lien of the first mortgage bonds. I have instructed the attorneys for the State to resist this step in every legal manner, as I conceive it to be fraught with the sum of all evils to the railroad interest, and will result in destruction, partial or total, of the first mortgage lien of the State on railroads, without any compensating benefit to the State or roads concerned. It is but the step which will be followed by some interest connected with every unfinished railroad in the State. If legislation is necessary to stop this ruin of that class of the State securities, I recommend the enactment of any law that may attain that end.

#### COMMISSIONER OF RAILROADS AND INSURANCE COMPANIES.

I recommend the enactment of a law creating the office of Commissioner of Railroads and Insurance Companies. This was the subject of your consideration during your last session, and was left with the unfinished business. All departments of the State Government, and more especially the General Assembly, are in need of the statistics which such an officer would obtain for their information and intelligent direction. Information in respect to insurance companies is important, as well for the proper imposition of taxation, as for the security and information of that large class of our citizens who hold their policies, and the wide range of statistical knowledge of the various railroads of the State cannot be gathered without some legislation, imposing the duty of its collection on some officer of the State. And these vast miracles of modern invention now involve so much of life and property, and tend to infringe on human rights in so many respects, that the duty of intelligent legislation can no longer be performed without a full knowledge of all facts necessary to their just and careful supervision.

#### SWAMP LAND FUND.

In the successive administrations from 1861 to 1871, there have been several boards and sets of officers em-

ployed by the State to perform important and valuable services respecting the swamp and overflowed lands of the State. The question of compensation to these different boards has been before this Department, and has also been before the General Assembly, and one of the boards has filed a bill in chancery against the State, in the court at Selma. The difficulty is to determine the amount of compensation that each board is entitled to. No tribunal can do this without having all parties in interest before it, and ascertain by evidence, that is open to contest by the other boards, the proportion of labor performed by each, and of compensation to which each is entitled. The per cent. of compensation being limited by law, this amount should be distributed among them according to the proportion of services rendered. I recommend the enactment of a law requiring the different boards to appear before the chancellor of this division at the suit of the State to a bill, in the nature of a bill of interpleader; that the chancellor adjust by the machinery of that court the share to which each board is entitled. That each board shall disclose the compensation it has received heretofore, and that if the same has been out of proportion to the services it has rendered, that the individuals shall refund any excess. I know of no other method of adjusting this matter equitably. If the claims of all the boards and officers are paid, it is believed that the fund will be exhausted in so doing.

#### PENITENTIARY.

The management of your Penitentiary is at present on a plan partially only experimental and provisional. The agricultural branch, though not likely to be a source of profit for the present year, from causes that were general in that portion of the State, will, it is hoped, yet be remunerative. The hands within the wall of the Penitentiary, engaged in manufacturing under contract, are producing articles which must command ready sale, where such things are needed. Other inexpensive branches of manufactures might be introduced to advantage for the employment of such convicts as must be kept within the enclosure. Much progress has been made by the present Warden in the repair and improvement of the Penitentiary. The increased number of convicts in comparison to former years, and the difficulty of caring for them.

with the combined rigidity and humanity that justice and charity demands, devolves on the General Assembly a duty of great delicacy.

#### INSANE ASYLUM.

The managers of the Insane Asylum are entitled to the highest commendation for their excellent management of that meritorious institution. Its order, neatness and comfort are unexceptionable. The pecuniary difficulties which they have encountered have been of such a nature that it is confidently believed that no other institution in the State could have survived them. I earnestly urge upon the consideration of the General Assembly to make some certain provisions whereby the warrants to this institution shall be paid, if need be, in preference to other debts due by the State in the future. The wants of its helpless and unfortunate inmates present an appeal to christian civilization which should place their assured comfort above the fluctuations of financial troubles.

Your institution for the Deaf, Dumb and Blind deserves your most considerate and sympathetic regard. The ushering of these unfortunate people in the region where some rays of light from the great world, present and future, reaches their understandings and hearts, is a great boon.

#### EDUCATION.

Your special attention is invited to a careful supervision of the laws and machinery which govern and control the subject of education. It is respectfully submitted, that the benefits which our present system has conferred on the youth of the State are not in proportion to the great expense which attends it. Its most zealous advocates cannot deny that it has been in operation long enough for a mere experimental test. The number of officers and the expense are too great for our sparse population. The uncertainty and infrequency of common schools; the absorption of the revenues of some of our higher schools by the useless multiplication of professorships, not needed for the instruction of pupils; the complication of the machinery, placing the supervision of all these interests so far from your immediate consideration; the great expense entailed upon our impoverished reve-

nues by the unnecessary multiplication of salaried officers, diverting so large a portion of the public funds from the cause of education, without any corresponding benefit, are matters demanding your prompt attention. It is believed that both economy and efficiency demand a thorough revision by you of all our laws on the subject of education, both fundamental and statutory.

Your State certificates still remain at considerable discount, though receivable in payment of taxes, and though the amount is so small in comparison to the aggregate taxation of the State. The financial panic defeated the execution of an arrangement which would have been completed for rendering a considerable portion of them bankable, much to the relief of the State, as well as of the business community. At present they only give us the evil of a depreciated currency, and afford the means of easy speculation on the wants of the needy creditors of the State. In connection with the issuing of a new line of State securities for domestic use, I recommend that they be destroyed as they are taken in, under such careful regulations as becomes so important an act.

I beg leave to call your attention to the 27th section of article 4 of the Constitution of the State. The accumulation of annual statutes since the promulgation of the Revised Code of Alabama renders it highly expedient that the statutes of the State should be codified.

The administration of your criminal law in the cost of keeping those who are indicted, and held under arrest for misdemeanors, before trial, is a source of great expense to the State. If this cannot be remedied, it may be mitigated at least.

Since your adjournment, Hon. Pat Ragland, Secretary of State, has departed this life, and I have appointed Hon. Neander H. Rice, of Florence, as his successor.

In conclusion, gentlemen, let us possess ourselves, so to act, that when the great future of our State is developed, we may look back to this crisis with the pleasant recollection that though she was beset with difficulties and surrounded by embarrassments and dangers, that our faith was strong in her grand destiny, and that we did not falter in the path of duty.

I have the honor to be,

Your obedient servant,

DAVID P. LEWIS,  
Governor.

On motion of Mr. Pennington—

Two thousand copies of the message was ordered printed, with the accompanying documents, except the Auditor's report and Treasurer's report.

#### JOINT RESOLUTION.

Mr. Martin offered the following joint resolution, which was read and adopted :

*Resolved by the Senate, (the House of Representatives concurring therein,) That so much of the Governor's message as refers to the Alabama Insane Hospital be referred to a select committee of seven consisting of three on the part of the Senate and four on the part of the House, with leave to said committee to report by bill or otherwise.*

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November, 17th, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has adopted a

#### JOINT RESOLUTION,

Relating to alleged outrages upon citizens of the United States by Cuban authorities.

ROBERT BARNER,  
Clerk of House.

On motion of Mr. Haralson—

The joint resolution was read and referred to the committee on Federal Relations.

#### ADJOURNMENT.

On motion of Mr. Cooper—

The Senate adjourned until 10 o'clock to-morrow.



TUESDAY, November 18, 1873.

The Senate met pursuant to adjournment.

#### ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Goodloe, Grayson, Hamilton, Haralson, Harris, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—24.

Journal of yesterday was read and approved.

#### CREDENTIALS.

Mr. Pennington presented the certificate of election of Charles W. Hatch, Senator elect from the 23d Senatorial District.

Which was referred to the Committee on Credentials.

#### CALL OF THE DISTRICTS.

On a call of the districts the following bills were introduced:

By Mr. Coleman—

To repeal section 17 of article vi of the constitution of Alabama.

Which bill was read and ordered to a second reading on to-morrow.

By Mr. Haralson—

To cause printed and posted certain sections of an act to regulate elections in this State, approved April 22d, 1873.

By Mr. Dereen—

To amend section 7 of an act to regulate elections in the State of Alabama, approved April 22d, 1873.

Which bills were severally read twice under suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

By Mr. Haralson—

To amend section 3706 (160) of the Revised Code of Alabama.

By Mr. Curtis—

To enlarge the jurisdiction and powers of the county court in and for the county of Perry.

By Mr. Little—

To authorize the judge of the seventh judicial circuit to hold a special term of the circuit court for Sumter county for the trial of all unfinished criminal business, at such time as he may appoint, giving thirty days notice thereof by publication in some newspaper published in said county.

By Mr. Little—

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, and to repeal all laws requiring the publication in newspapers of such exhibits.

By Mr. Little—

To consolidate the fine and forfeiture fund and the general fund of Sumter county.

By Mr. Little—

To authorize the commissioners' court of Sumter county to settle and liquidate the outstanding fine and forfeiture debt against Sumter county.

Which bills were severally read twice under suspension of the constitutional rule, and referred to the committee on the Judiciary.

By Mr. Hamilton—

To fix the terms of office of certain municipal officers in the city of Mobile.

Which bill was read twice under suspension of the constitutional rule and referred to the Mobile delegation of the two houses.

By Mr. Little—

For the relief of Irene Larkins, guardian of her minor children, of Sumter county.

By Mr. Dereen—

To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem in the county of Lee.

By Mr. Hamilton—

To amend section 3 of an act entitled an act to confer civil jurisdiction upon the city court of Mobile.

Which bills were severally read three times, forthwith, under suspension of the constitutional rule, and passed.

By Mr. Haralson—

## JOINT RESOLUTION,

To raise a committee to inspect the Alabama Penitentiary and other places of confinement of convicts, and enquire into the treatment of the same.

Which was read and adopted.

## CREDENTIALS.

Mr. Cooper, from the Committee on Credentials, reported favorably upon the credentials of Mr. Charles W. Hatch, Senator elect from the 23d Senatorial District.

Mr. Parks moved to recommit the whole subject to the Committee on Privileges and Elections.

Which motion was lost—yeas 12 ; nays 13.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Hamilton, Harris, Little, Martin, Parks, Robinson and Walton—12.

Nays—Messrs. Black, Curtis, Dereen, Goodloe, Grayson, Haralson, Jones, Leftwitch, Miller, Pennington, Royal, Snodgrass and Wilson—13.

## ENGROSSED BILLS.

Mr. Dereen, from Committee on Engrossed Bills, reported as correctly engrossed bills :

To regulate the fees of constables in the county of Marengo.

To repeal an act entitled an act to secure justices of the peace and notaries public in their fees in certain cases.

The question recurring upon the adoption of the report of the Committee on Credentials.

The report was adopted.

Whereupon Mr. Hatch came forward and was duly qualified according to law, and took his seat.

## JOINT RESOLUTION.

Mr. Doster offered the following joint resolution, which was adopted :

*Resolved by the Senate, (the House of Representatives concurring,) That a joint committee be appointed, two on the part of the Senate and three on the part of the House of Representatives, to wait upon the clergy of the*

city and invite them to open each day's proceedings of the General Assembly with prayer.

HON. S. H. MURPHY, DECEASED.

Mr. Hamilton, from the committee to prepare suitable resolutions upon the death of Hon. Steven H. Murphy, reported as follows :

Since the adjournment of the Senate of Alabama, death has removed the Hon. Steven H. Murphy, one of its members from the scene of his labors, and the face of our former fellow Senator no longer appears amongst us. His work is over ; all that remains for his former associates, while with sorrow they acknowledge the decree of their Supreme Ruler, is to place on record their sense of respect for the departed.

Mr. Murphy served with credit to himself during one session of the Senate. He was careful of the interests of his constituents and regular in the performance of his public duties ; he therefore became entitled to, and gained, the respect of his fellow members in the Senate.

*Resolved*, That the Senate of Alabama has heard with regret of the death of the Hon. Steven H. Murphy, late Senator from the 4th district, and county of Madison. In his removal from their midst they recognize the hand of the Great Creator, who doeth according to His holy will, though His acts are full of mystery to His creatures.

The Senate hereby records its respect for the deceased, for the quiet and orderly and faithful performance of the duties imposed on him as Senator, whether as representing his Senatorial District or as a member of this deliberative body ; and tenders its condolence to his aged mother, and to the friends of the deceased in this their great calamity.

*Resolved*, As a mark of respect to the memory of the deceased, the Senate do now adjourn.

On motion of Mr. Deree—

The resolutions were adopted by a rising vote, and the Senate adjourned to 10 A. M. to-morrow.

WEDNESDAY, November 19, 1873.

The Senate met pursuant to adjournment.

ROLL CALL.

On the call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—30.

The Journal of yesterday read and approved.

JOINT RESOLUTION.

By leave, Mr. Pennington offered the following joint resolution, which was read and adopted:

*Resolved by the Senate (the House of Representatives concurring),* That so much of the message of His Excellency, the Governor, as relates to subjects of finance and taxation be referred to a joint committee of thirteen, five to be appointed by the President of the Senate and eight to be appointed by the Speaker of the House, said committee to be instructed to report by bill or otherwise, at as early a day as practicable.

Mr. President appointed Messrs. Ervin, Goodloe, Hamilton, Martin and Pennington committee on part of the Senate.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 19, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed three bills, in which the concurrence of the Senate is requested, to be entitled as follows :

To repeal an act entitled an act requiring the justices of the peace of Chambers and Cleburne counties to act

as apportioners and supervisors of public roads in their respective beats, approved Dec. 16, 1871, so far as the same relates to the county of Chambers.

To authorize W. K. Parmer, administrator of the estate of Joseph M. Parmer, deceased, late of Butler county, to sell the lands of said estate at private sale.

To prohibit the sale or otherwise disposing of spirituous liquors within two and one-half miles of Davidson Academy and Spring Hill Church, in Tallapoosa county.

And ordered the same to the Senate forthwith without engrossment.

ROBERT BARBER,  
Clerk.

#### CALL OF DISTRICTS.

On a call of the Districts the following bills were introduced:

By Mr. Grayson—

To repeal an act entitled an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, approved Feb. 1st, 1872, so far as it relates to the county of Madison.

By Mr. Miller—

To regulate the fees of notaries public and justices of the peace for Butler county, and to provide for the payment of the same.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Snodgrass—

To better define the corporate limits of the town of Scottsboro, in the county of Jackson, and to limit the powers of taxation of the corporate authorities of said town.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

By Mr. Snodgrass—

To amend section four of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23d, 1873.

By Mr. Curtis—

To restrict the sale, conveyance, removal or willful destruction of personal property in certain cases.

By Mr. Little—

To provide for the payment of costs in criminal cases, where the indictment is withdrawn under section 4149 of the Revised Code of Alabama.

By Mr. Parks—

To amend section two of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23d, 1873.

By Mr. Carmichael—

To amend section 4057 of the Revised Code of Alabama.

By Mr. Coleman—

To compel the attendance of witnesses in criminal cases.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

By Mr. Haralson—

To exempt the Selma Exposition from certain taxes therein named.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and taxation.

By Mr. Snodgrass—

To provide for longer terms of the circuit court in the county of Jackson.

By Mr. Cunningham—

To prohibit the sale, gift or barter of intoxicating liquor within two miles of Marble Spring Presbyterian church, Owen Spring Methodist church, Salem Baptist church, and the town of Estaboga, in Talladega county.

By Mr. Cunningham—

To prohibit the sale, gift or barter of intoxicating liquors within five miles of Jackson Shoals, in Talladega county.

By Mr. Haralson—

To ratify and confirm the action of the commissioners court of the county of Dallas in the election of a county physician.

By Mr. Dereen—

To repeal an act entitled an act to fix the time of holding the court of county commissioners of Marengo county, approved November 24th, 1866.

By Mr. Dereen—

To regulate the per diem and mileage of members of the commissioners court of Marengo county.

By Mr. Walton—

To prohibit the sale of vinous or spirituous liquors within three miles of Smith's Camp Ground, located in the county of Choctaw.

Which bills were severally read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Martin—

In relation to the fine and forfeiture fund of Fayette and Sanford counties.

Which bill was read twice under suspension of the constitutional rule.

Mr. Haralson moved to amend by inserting the county of Dallas.

Which amendment was adopted.

Mr. Wilson moved to amend by inserting the county of Montgomery.

Which amendment was adopted.

Mr. Hamilton moved to amend by inserting the county of Mobile.

Which amendment was adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Title of bill was amended by inserting "Dallas, Montgomery, Mobile."

By Mr. Haralson—

To authorize and require the sheriff of Dallas county to execute and return the processes and orders issued by and returnable before the justices of the peace and notaries public of Selma Precinct, in Dallas county.

Which bill was read twice under suspension of the constitutional rule.

Mr. Miller moved to amend by making the provisions of the bill apply to Butler county.

Which amendment was accepted.

Mr. Black moved to amend by making the provisions of the bill apply to Barbour county.

Which amendment was accepted.

Bill, thus amended, was then referred to the Judiciary Committee.

By Mr. Ervin—



For the relief of R. U. L. Watson, of the county of Wilcox.

Which bill was read three times, forthwith, under suspension of the constitutional rule.

On motion of Mr. Curtis, bill was then

Referred to the Committee on Finance and Taxation.

#### BILL WITHDRAWN.

Mr. Coleman, by leave, withdrew bill—

To repeal section 17 of article VI of the constitution of Alabama.

#### JOINT RESOLUTION.

Mr. Snodgrass introduced joint resolution—

Extending time for rendition of amount of taxes to Auditor, attachment of penalties and enforcement of collection of taxes by sale of property by tax collectors of Alabama.

Which joint resolution was read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

#### BILL INTRODUCED.

Mr. Coleman, by leave, introduced a bill—

To amend section 17 of article VI of the constitution of Alabama.

Which bill was read first time, and ordered to a second reading on to-morrow.

#### CONSIDERATION OF HOUSE MESSAGES.

House bill—

To repeal an act entitled an act requiring justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved Dec. 16, 1871, so far as it relates to the county of Chambers,

Was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

House bill—

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within two and a half miles of Davidson Academy and Spring Hill church, at Davidson, Tallapoosa county, Alabama,

Was read twice under suspension of the constitutional rule.

On motion of Mr. Robinson—

The first section and title of the bill were amended by striking out the word "two" and inserting in lieu thereof the word "one."

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

House bill—

To authorize W. K. Parmer, administrator of the estate of Joseph M. Parmer, deceased, late of Butler county, to sell the lands of said estate at private sale,

Was read twice under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

House joint resolution—

Relating to alleged outrages upon citizens of the United States by the Cuban authorities.

After debate,

On motion—

Joint resolution was recommitted to Committee on Federal Relations.

#### JOINT RESOLUTIONS.

Mr. Pennington offered the following joint resolution, which was read and adopted :

*Resolved by the Senate (the House of Representatives concurring), That the Committee on Transportation of the United States Senate, now in session at Atlanta, Ga., be invited by the General Assembly, the invitation to be extended by the President of the Senate and Speaker of the House, to extend their visit to the capital of Alabama.*

Mr. Little offered joint resolution—

In relation to the repeal by Congress of the bankrupt law.

Which was read, and

Referred to the Judiciary Committee.

Mr. Cooper offered resolution—

Providing for a call of a convention to reduce the expenditures of the State government.

Which was read, and

Referred to the Judiciary Committee.

#### ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed :

Bills—

To amend section three of an act entitled an act to confer civil jurisdiction upon the city court of Mobile.

For the relief of Irene Larkins, guardian of her minor children, of Sumter county.

To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem, in the county of Lee.

And joint resolutions—

Inviting the clergy of the city to open each day's proceedings of the General Assembly with prayer.

To raise a joint committee to inspect the Alabama State Penitentiary and other places of confinement of convicts, and to enquire into the treatment of the same.

Senate adjourned until 10 o'clock A. M. to-morrow.

THURSDAY, November 20, 1873.

The Senate met pursuant to adjournment.

#### ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Erwin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Little, Martin, Miller, Pennington, Robinson, Royal, Terrell and Walton—28.

Journal of yesterday was read and approved.

## CALL OF DISTRICTS.

On the call of the Districts the following bills were introduced :

By Mr. Robinson—

To amend section 3470 of the Revised Code.

By Mr. Robinson—

To amend section 2537 of the Revised Code of Alabama.

By Mr. Haralson—

To repeal section 4343 (792) of the Revised Code, so far as the same relates to the county of Dallas.

By Mr. Haralson—

To authorize the commissioners court of the county of Dallas, to pay the solicitor of said county a salary in lieu of fees.

By Mr. Curtis—

To amend section 97 of an act entitled an act to establish revenue laws of the State of Alabama, approved December 31st, 1868.

By Mr. Little—

To amend section 3705 of the Revised Code of Alabama.

By Mr. Little—

To construe sections one and five of an act to authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned against the State of Alabama on account of the Alabama and Chattanooga Railroad, approved March 28th, 1873.

By Mr. Goodloe—

To amend section 4173 of the Revised Code.

By Mr. Goodloe—

To enlarge the duties of grand juries in criminal prosecutions.

By Mr. Goodloe—

To amend section 3555 of the Revised Code.

By Mr. Parks—

To amend section 1353 of the Revised Code ;

Which bills were severally read twice under a suspension of the constitutional rule, and

Referred to Judiciary Committee.

By Mr. Jones—

To allow compensation to the tax assessor of Lowndes county for making the copy of the book of assessment.

By Mr. Haralson—

To pay the board of equalization of Dallas county.

By Mr. Dereen—

For the protection of livery stable keepers ;

Which was severally twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Jones—

To authorize the court of county commissioners of Lowndes county to pay for fuel used in offices of judge of probate, sheriff, register in chancery, treasurer, tax assessor, tax collector and the clerk of the circuit court of said county.

By Mr. Snodgrass—

To provide for the appointment of two inspectors of public roads in each of the election precincts in Jackson county where it may be deemed by the commissioners court of said county necessary to the promotion of the public good ;

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

By Mr. Little—

To prevent injury to railroad cars in use for transportation of passengers or merchandise ;

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Internal Improvements.

By Mr. Miller—

To provide for the payment of the debt of Butler county ;

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Carmichael—

To amend section 80 of an act entitled an act to establish revenue laws for the State of Alabama, approved November 16, 1868 ;

Which bill was read three times forthwith, under suspension of the constitutional rule and passed.

By Mr. Snodgrass—

To repeal section 8 of an act entitled an act to keep in each county a proportionate share of the public school money, approved April 19th, 1873, and to allow to tax

collectors a reasonable compensation for the performance of duties required by said act ;

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Education.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the Judiciary Committee reported a substitute for Senate bill—

To authorize the chancery courts to sell for distribution the lands for joint owners.

Substitute to be entitled as follows :

To amend section 3119 of the Revised Code.

The report was concurred in and substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably with amendment to Senate bill—

To amend section 2562 of the Revised Code of Alabama.

The report was concurred in, and amendment adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 20, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has passed, without amendment, the accompanying

#### JOINT RESOLUTIONS.

ROBERT BARBER,  
Clerk of the House.

## JOINT MEMORIAL.

Mr. Cooper offered joint memorial and resolutions—

Asking the Congress of the United States to redeem six per cent. government bonds in legal tender notes at the option of the holder, to issue convertible bonds, and to replace the fractional currency with silver coin ;

Which was read and referred to the Joint Committee on Finance.

## RESOLUTION.

Mr. Pennington offered the following resolution :

Which was adopted.

*Resolved*, That when the Senate adjourns this day, it be to eleven o'clock to-morrow, and that hereafter the hour of meeting be eleven o'clock.

## RECONSIDERATION.

On motion of Mr. Walton, the vote by which the Senate passed Senate bill—

To prohibit the sale of spirituous or vinous liquors within three miles of Smith's Camp Ground, located in the county of Choctaw,

Was reconsidered.

Senate then reconsidered the vote by which the bill was ordered to a third reading.

On motion of Mr. Walton, bill was amended by striking out the words "to be recovered before any court having jurisdiction of the same," where they occur in the bill.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,	}
November 20, 1873.	

*Mr. President:*

I am directed to inform the Senate that the House of

Representatives has originated and passed the accompanying

JOINT RESOLUTION.

ROBERT BARBER,  
Clerk of House.

FEDERAL RELATIONS.

Mr. Goodloe, from the Committee on Federal Relations, to which was referred House joint resolution—

Relating to alleged outrages upon citizens of the United States by the Cuban authorities, submitted the following

REPORT.

*To the Honorable President and Senate of Alabama :*

The Committee on Federal Relations to which was referred a joint resolution, "relating to alleged outrages upon citizens of the United States by the Cuban authorities," have instructed me to report that they have had the same under consideration, and while as citizens of the United States and State of Alabama, they condemn the cruel course reported to have been pursued by the Cuban authorities towards the persons captured by the Spanish gunboat, *Tornado*, on the Steamer *Virginus*, as inhuman and contrary to the principles of our modern civilization, they do not find any warrant for the Government of this State to take any action in this case.

No action by Alabama could have any effective operation whatever. The whole subject falls within the powers and belongs to the duties with which the Government of the United States is, by the constitution charged. The officers of that Government have shown no disposition to neglect the high duties with which they are charged. On the contrary, it is understood that the President of the United States is acting with great promptness in putting its military arm in a condition to act with efficiency in case the reasonable demands of the people of the United States, through their Government, for redress at the hands of Spain, are not complied with.



The Congress of the United States will also be in session at an early day, and have full power to enact any law which the dignity of the Government and the security of the citizen require.

In consideration of these suggestions the committee recommend that said joint resolution be laid on the table.

The report of the committee was concurred in.

#### NOTICE OF CONTEST.

Mr. Harris presented the petition and notice of contest of V. Gayle Snedecor, claiming and contesting the seat of Hon. Charles W. Hatch, [Senator from the 23d Senatorial District ;

Which were read and referred to the Committee on Privileges and Elections.

#### ENGROSSED BILLS.

Mr. Dereen, from the Committee on engrossed bills, reported as correctly engrossed :

Bills—

To prohibit the sale, gift or barter of intoxicating liquors within five miles of Jackson Shoals in Talladega county.

To prohibit the sale, gift or barter of intoxicating liquors within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist, Salem Baptist Church, and the town of Estaboga in Talladega county.

To repeal an act entitled an act to fix the time of holding the court of county commissioners of Marengo county.

To provide for longer terms of the circuit court for the county of Jackson.

To regulate the per diem and mileage of members of the commissioners court of Marengo county.

In relation to the fine and forfeiture fund of Fayette, and Sanford, Montgomery, Mobile and Dallas counties.

To ratify and confirm the action of the commissioners court of the county of Dallas in the election of a county physician.

To prohibit the sale of vinous or spirituous liquors, within three miles of Smith's Camp Ground, located in the county of Choctaw.

## ADJOURNMENT.

On motion of Mr. Dereen,  
The Senate adjourned until 11 o'clock to-morrow.

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FRIDAY, November 21, 1873.

The Senate met pursuant to adjournment.

## ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—30.

The Journal of yesterday read and approved.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
November 20, 1873.

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

To regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases.

To abolish the court of quarter sessions of Wilcox county.

Also, a bill to be entitled an act to amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit, and ordered the same forthwith to the Senate without engrossment.

ROBERT BARBER,  
Clerk of House.

## CALL OF DISTRICTS.

On a call of the districts, the following bills, joint resolutions and memorials were introduced :

By Mr. Coleman—

To change the time of the meeting of the General Assembly of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and referred to a select committee consisting of one from each congressional district, and one from the State at large.

By Mr. Coleman—

Joint resolution proposing amendments to the constitution of Alabama ;

Which was read, and ordered to a second reading on to-morrow.

By Mr. Goodloe—

Joint resolution proposing amendments to the constitution of Alabama ;

Which was read, and ordered to a second reading on to-morrow.

By Mr. Cooper—

To require all fines and forfeitures to be collected and paid over in the legal currency of the United States in the following counties, to-wit: Cherokee and Etowah, and fixing the penalty for its violation.

By Mr. Mewitt—

To reduce and regulate the salaries of certain officers therein named.

By Mr. Hewitt—

To reduce and regulate the pay of certain officers and employees of the General Assembly therein named.

By Mr. Hewitt—

To reduce and regulate the salaries of certain officers therein named.

By Mr. Hewitt—

To repeal section 60 of the Revised Code of Alabama.

By Mr. Martin—

For the relief of E. F. Comegys of Tuskaloosa county, late cashier of the Bank of the State of Alabama.

By Mr. Curtis—

To repeal an act entitled an act to encourage the supply to the people of this State of cooking stoves and appurtenances thereto at reasonable prices, approved March 29, 1873.

By Mr. Walton—

To authorize Orcine D. Ratledge of Choctaw county to redeem certain lands sold for taxes and purchased by the State.

Which bills were severally read twice, under suspension of the constitutional rule, and referred to the Committee on Finance and Taxation.

By Mr. Hewitt—

To reduce and regulate the *per diem* and mileage of the members of the General Assembly;

Which bill was read twice, under a suspension of the constitutional rule.

Mr. Robinson moved to amend as follows:

By striking out "four dollars for every twenty miles," and inserting "two dollars for every twenty miles."

Mr. Terrell moved to lay the amendment upon the table;

Which motion was lost—yeas 10, nays 21.

Yeas—Messrs. Carmichael, Cunningham, Driesbach, Edwards, Ervin, Glass, Grayson, Hamilton, Hatch and Terrell—10.

Nays—Messrs. Black, Coleman, Curtis, Dereen, Doster, Goodloe, Haralson, Harris, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—21.

The amendment was then adopted.

Mr. Haralson moved to amend by striking out "four" and inserting "ten."

On motion of Mr. Pennington—

The amendment was laid on the table.

Mr. Terrell offered the following amendment:

Provided, the provisions of this act shall not apply only in cases where the General Assembly shall remain in session for a period longer than thirty days, when each member shall receive only for dollars for such excess.

On motion of Mr. Robinson—

The amendment was laid upon the table—Yeas 17, nays 14.

Yeas—Messrs. Coleman, Cunningham, Dereen, Ervin, Goodloe, Hewitt, Jones, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Walton and Wilson—17.

Nays—Messrs. Black, Carmichael, Cooper, Curtis, Doster, Driesbach, Edwards, Grayson, Hamilton, Haralson, Harris, Hatch, Leftwich and Terrell—14.

Mr. Haralson moved to amend by striking out "four," where it occurs in the bill, and inserting "eight."

On motion of Mr. Little—

The amendment was laid upon the table—Yeas 27, nays 4.

Yeas—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Harris, Hewitt, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—27.

Nays—Messrs. Hamilton, Haralson, Hatch, Jones—4.

Mr. Goodloe moved to amend by inserting "three" dollars instead of "four" dollars.

On motion of Mr. Carmichael—

The amendment was laid upon the table—Yeas 19, nays 12.

Yeas—Messrs. Carmichael, Cunningham, Dereen, Driesbach, Edwards, Ervin, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Pennington, Royal, Snodgrass, Terrell and Wilson—19.

Nays—Messrs. Black, Coleman, Cooper, Curtis, Doster, Goodloe, Jones, Martin, Miller, Parks, Robinson and Walton—12.

On motion of Mr. Dereen—

The bill, as amended, was referred to the Committee on Finance and Taxation—Yeas 19, nays 12.

Yeas—Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Parks, Royal and Terrell—19.

Nays—Messrs. Coleman, Cooper, Ervin, Hewitt, Little, Martin, Miller, Pennington, Robinson, Snodgrass, Walton and Wilson—12.

On motion of Mr. Hamilton—

The committee was instructed to consider the propriety of referring the compensation to be paid to members of the General Assembly to the several counties and senatorial districts, by the several counties and senatorial districts of this State, and if approved, to prepare an act for the purpose.

By Mr. Coleman—

To abolish the office of county solicitor, and to establish the office of district attorney for each judicial circuit in this State, and to define the duties of said office.

By Mr. Pennington (with petition)—

To repeal an act to establish a city court for the county of Lee with criminal and civil jurisdiction, &c., approved March 20, 1873.

By Mr. Haralson—

To amend section 2562 of the Revised Code of Alabama.

By Mr. Curtis—

To regulate the issuance of policies by life insurance companies in this State.

By Mr. Parks—

To define and limit the power of judges or other magistrates over fines assessed by juries in criminal cases.

By Mr. Parks—

For the protection of certain tenants in common.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on the Judiciary.

By Mr. Robinson—

To repeal an act to declare Joseph H. Harris a liner between the counties of Chambers and Lee a citizen of Lee county and to change the line between said counties, approved February 4th, 1867.

By Mr. Robinson—

To repeal an act to change the line between Lee and Chambers counties so as to include the southwest quarter of section eight (8), township twenty (20), range twenty-five (25) in Lee county, approved February 24th, 1872.

By Mr. Robinson—

To repeal an act to declare James M. Norwood a liner between the counties of Chambers and Lee a citizen of Lee county, and to change the line between said counties, approved February 4th, 1867.

By Mr. Robinson—

To repeal an act to change the lines between the counties of Chambers and Lee, approved February 19th, 1867.

By Mr. Harris—

To change the line between the counties of Russell and Barbour.

By Mr. Parks (with petition)—

To incorporate the town of Brundidge in Pike county.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the committee on Municipal and County Organizations.

By Mr. Cooper—

To prohibit the owners of horses, &c., from knowingly to suffer them to run at large in any town or village in Cherokee county, and defining the liability for a violation of this act.

Which bill was read twice, under suspension of the constitutional rule.

Mr. Harris moved to amend by inserting "Russell county."

Which amendment was adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Title of bill was amended by inserting "Russell county."

By Mr. Haralson—

To amend an act entitled an act to amend section 3837 (289) of the Revised Code of Alabama, approved February 26th, 1872.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Penitentiary, Prisons and punishments.

By Mr. Terrell—

To regulate the practice in criminal cases as to the mode of *not. pros.*

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on the Judiciary, with instructions to report on Tuesday next at 12 o'clock, and it was made the special order for that hour.

By Mr. Dereen—

In relation to fines and forfeitures in the county of Marengo.

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Carmichael—

To fix the time of the annual session of the General Assembly of Alabama.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to a select committee of one from each congressional district and one from the State at large.

By Mr. Carmichael—

To repeal an act entitled an act to amend an act entitled an act to incorporate the Sepulga River Manufacturing Company of Conecuh county, approved December 31, 1868

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Hamilton—

A memorial by the merchants of Mobile praying for the aid and influence of the General Assembly of Alabama with the Congress of the United States for the improvement of the Warrior and Cahaba rivers in this State.

Which was read, and

Referred to the Committee on Internal Improvements.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the Committee on the Judiciary, reported substitute for

Senate bill—

To authorize the judge of the seventh judicial circuit to hold a special term of the circuit court for Sumter county.

The substitute to be entitled :

A bill to authorize the judge of the seventh judicial circuit to hold a special term of the circuit court for Sumter county for the dispatch of unfinished business.

The report was concurred in, and the substitute adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably to  
Senate bill—

To amend section two (2) of an act entitled an act to regulate property exempt from sale for the payment of debts, approved April 23, 1873.

The report was concurred in.

On motion of Mr. Parks—

The further consideration of the bill was postponed until Monday next at 12 o'clock, and it was made the special order for that hour.



Also, from the same committee, adversely to Senate bill—

To provide for the payment of costs in criminal cases where the indictment is withdrawn under section 4149 of the Revised Code of Alabama.

Which adverse report was concurred in.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed, bills—

To amend section 80 of an act entitled an act to establish revenue laws for the State of Alabama.

To amend section 3119 of the Revised Code.

To prohibit the sale of vinous or spirituous liquors within three miles of Smith's Camp Ground, located in the county of Choctaw.

To amend section 2562 of the Revised Code.

#### STANDING COMMITTEES.

Mr. President announced the following appointments upon standing committees :

#### ON THE COMMITTEE ON THE JUDICIARY.

Mr. Little *vice* Mr. Duskin.

#### ON EDUCATION.

Mr. Little *vice* Mr. Murphy.

#### ON FEDERAL RELATIONS.

Mr. Grayson *vice* Mr. Goodloe,  
Mr. Hatch *vice* Mr. Duskin.

#### ON PENITENTIARY, PRISONS AND PUNISHMENTS.

Mr. Grayson *vice* Mr. Duskin.

#### ON INTERNAL IMPROVEMENTS.

Mr. Goodloe *vice* Mr. Murphy.

#### ON ENROLLED BILLS.

Mr. Hatch *vice* Mr. Duskin.

Mr. Wilson to be chairman of the Committee on Penitentiary, Prisons and Punishments.

#### RULES AND STANDING COMMITTEES.

On motion of Mr. Dereen—

*Resolved*, That the Secretary of the Senate be instructed to have printed one hundred copies of the Rules of the Senate, and one hundred copies of the Standing Committees for the use of the Senate.

Leave of absence was granted Mr. Pennington, and Mr. Clark, the Doorkeeper, until Monday next.

#### ADJOURNMENT.

On motion of Mr. Martin—

The Senate adjourned until 11 o'clock to-morrow.

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SATURDAY, November 22, 1873.

The Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Carmichael, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Harris, Hewitt, Jones, Leftwich, Little, Martin, Parks, Robinson, Snodgrass, Terrell, Walton and Wilson—27.

Journal of yesterday was read and approved.

#### SELECT COMMITTEE.

Mr. President announced the following Select Committee on Senate bill—

To change the time of meeting of the General Assembly of Alabama, viz:

Messrs. Coleman, Hewitt, Martin, Doster, Carmichael, Haralson and Goodloe.

## LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Black and Royal until Monday next.

## CALL OF THE DISTRICTS.

On a call of the Districts, the following bills were introduced :

By Mr. Cooper—

Declaring the lands of Mitchell Davis, of Cherokee county, which are divided by the line dividing the counties of Cherokee and Etowah to be deemed and held as being in Cherokee county ;

Which bill was read three times, forthwith, under suspension of the constitutional rule, and the question being put, shall the bill pass ? It was decided in the affirmative—

Ayes, 21 ; noes, 1.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Hatch, Jones, Leftwich, Parks, Robinson, Snodgrass, Terrell, Walton and Wilson—21.

Noes, Mr. Hewitt—1.

By Mr. Hewitt—

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same relates to the counties of Jefferson and Walker ;

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Goodloe—

To enlarge the powers of the commissioners courts in the several counties of this State.

By Mr. Coleman—

To amend section 1059 of the Revised Code of Alabama.

By Mr. Hewitt—

To better secure the payment of mechanics and others for their labor and materials furnished.

By Mr. Hewitt—

To amend section 3250 of the Revised Code.

By Mr. Haralson—

To repeal section two thousand of the Revised Code of Alabama.

By Mr. Hamilton—

To perfect service in criminal prosecutions against corporations and to enforce the judgment of the courts therein.

By Mr. Hamilton—

To amend the corporation laws of Alabama.

By Mr. Haralson—

For the relief of the judges of Alabama.

By Mr. Doster—

To amend section 2960 (2532 a) of the Revised Code.

By M. Doster—

To amend section 3705 (159) of the Revised Code ;

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to Judiciary Committee.

By Mr. Haralson—

To prohibit the court of county commissioners from allowing tax collectors credits for insolvent poll tax payers.

By Mr. Edwards, joint resolution--

For the relief of Louis Hobart agent of M. S. Hobart ;

Which bill and joint resolution were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Jones—

To authorize the legal voters of certain beats in Lowndes county to decide upon the continuance of "an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama, approved December 31st, 1868 ;

Which bill was read twice, under suspension of the constitutional rule, and

Referred to a Select Committee of three, consisting of—

Messrs. Jones, Goodloe and Little.

By Mr. Hamilton—

To repeal an act approved December 7th, 1866 ;

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Municipal and county Organizations.

By Mr. Carmichael—

For the protection of agriculture;

Which bill was read twice, under suspension of the constitutional rule.

Mr. Haralson moved to amend by striking out all in the bill in relation to creating a new office, and impose the additional duties on the office of commissioner of Industrial Resources;

The Bill and amendment were then referred to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 22, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has passed, without amendments, Senate bills to be entitled as follows:

#### AN ACT

To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem, in the county of Lee.

#### AN ACT

To prohibit the sale, gift, or barter of intoxicating liquors within five miles of Jackson Shoals, in Talladega county.

#### AN ACT

To prohibit the sale, gift or barter of intoxicating liquors within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church, and the town of Estaboga in Talladega county.

## AN ACT

To ratify and confirm the action of the commissioners court of the county of Dallas, in the election of a county physician.

## AN ACT

To repeal an act entitled an act to fix the time of holding the court of county commissioners of Marengo county approved November 24th, 1866.

## AN ACT

To regulate the per diem and mileage of members of the commissioners court of Marengo county.

Very respectfully,

Your Ob't. Servant,

ROBERT BARBER,

Clerk.

## REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the Judiciary Committee, reported favorably to Senate bill—

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, and to repeal all laws requiring the publication in newspapers of such exhibits.

The report was concurred in, and

Bill read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably, with amendment, to Senate bill—

To amend section 3470 of the Revised Code.

The report was concurred in, and

Amendment adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, a substitute for Senate joint resolution—

In relation to the repeal by Congress of the bankrupt law.

The report was concurred in, and  
Substitute adopted.

Joint resolution, thus amended, was then adopted.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 22, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

For the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State as a means of punishment for the violation of city or town ordinances.

To amend section two of an act to incorporate the town of Guntersville, in the county of Marshall.

Also, joint resolutions, as follows :

Relative to Finance Committee.

Authorizing appointment of committee relative to navigation of Southern rivers.

Resolution of thanks to the city authorities of Opelika, Birmingham and Talladega.

And has adopted Senate joint resolutions accompanying this message.

ROBERT BARBER,  
Clerk.

#### FINANCE AND TAXATION.

Mr. Ervin, from the Committee on Finance and Taxation, reported favorably to Senate bill—

For the relief of R. U. L. Watson, of the county of Wilcox.

The report was concurred in, and

Bill passed.

Also, from the same committee, favorably to Senate bill—

To pay the board of equalization of Dallas county.

The report was concurred in.

Mr. Robinson moved to amend by striking out "four" and inserting "two."

On motion of Mr. Doster—

Bill and amendment were recommitted to a select committee of five, consisting of Messrs. Haralson, Doster, Harris, Hewitt and Parks.

Also, from the same committee, favorably to Senate bill—

To authorize Orcine D. Rutledge, of Choctaw county, to redeem certain lands sold for taxes, and purchased by the State.

The report was concurred in, and

Bill read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably to Senate bill—

To reduce and regulate the per diem and mileage of the members of the General Assembly.

The report was concurred in.

Ayes, 17; noes, 10.

Ayes—Messrs. Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hewitt, Little, Martin, Parks, Robinson, Snodgrass, Terrell, Walton and Wilson—17.

Noes—Messrs. Carmichael, Curtis, Doster, Glass, Hamilton, Haralson, Harris, Hatch, Jones and Leftwich—10.

On motion of Mr. Robinson—

Bill was ordered to a third reading, and made special order for Tuesday next, at 12 o'clock M.

#### JOINT COMMITTEE.

Mr. Ervin, from joint committee in relation to finances, reported resolution—

Requesting information from the Governor.

Which was read and adopted.

#### MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Parks, from the Committee on Municipal and



County Organizations, reported favorably to Senate bills—

To repeal an act to declare James M. Norwood, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the county line between said counties, approved Feb. 4, 1867.

To repeal an act to change the county line between the counties of Chambers and Lee, approved Feb. 19, 1867.

To repeal an act to change the line between Lee and Chambers counties so as to include the southeast quarter of section 8, township 20, range 25, in Lee county, approved Feb. 24, 1872.

To repeal an act to declare Joseph H. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the line between said counties, approved Feb. 4, 1867.

The reports were severally concurred in, and

Bills severally ordered to a third reading, and made special order for Tuesday next, at 12 o'clock M.

#### ENGROSSED BILLS

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed:

Bills—

In relation to fines and forfeitures in the county of Marengo.

To prohibit the owners of horses, &c., from knowingly to suffer them to run at large in any town or village in Cherokee and Russell counties.

To authorize the judge of the 7th judicial circuit to hold a special term of the circuit court for Sumter county, for the disposal of unfinished criminal business.

To repeal an act entitled an act to amend an act to incorporate the Sepulgah River Manufacturing Company, of Conecuh county.

On motion of Mr. Wilson,

House joint resolution—

To raise a joint committee of the two houses to consider the petition of W. C. Bibb, Esq., relating to the introduction into the State of Alabama of his steam traction engine,

Was taken up, read and adopted.

Thereupon Mr. President appointed Messrs. Wilson,

Hamilton and Doster a committee on the part of the Senate.

Leave of absence was granted Mr. Miller until Tuesday next.

#### JOINT COMMITTEE.

Mr. President announced the following committee on the part of the Senate jointly to examine the offices of Auditor and Treasurer, as provided by section 40 of the Revised Code of Alabama:

Messrs. Snodgrass, Carmichael and Dereen.

#### ADJOURNMENT.

On motion of Mr. Haralson—

Senate adjourned until 12 o'clock M., Monday.

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MONDAY, November 24, 1873.

The Senate met pursuant to adjournment.

#### ROLL CALL.

On the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—31.

The Journal of yesterday was read and approved.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 24, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills in which

the concurrence of the Senate is requested, to be entitled as follows:

AN ACT

To provide for increasing the pay of the county commissioners of Perry county.

AN ACT

To prevent the sale of vinous, spirituous liquors, or intoxicating bitters, in three miles of Piney Grove Church and school house in Morgan county.

AN ACT

To authorize the court of county commissioners of Covington county, to levy a special tax, for the payment of grand and petit jurors.

AN ACT

To repeal section 1374 of the Revised Code of Alabama, so far as relates to the county of Randolph.

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, intoxicating bitters, or other intoxicating beverages, within three miles of Enon Presbyterian Church in Jefferson county.

AN ACT

To repeal an act to consolidate the offices of tax assessor and collector of Covington county.

AN ACT

To legitimate the children of Anna Jones, before her marriage with Josiah Jones of Covington county.

AN ACT

To prohibit the sale, or otherwise disposing of spirit-

nous, vinous, or malt liquors, within two and one-half miles of Choctaw Camp Ground, in Choctaw county, at certain times therein named.

Also the following joint resolution

Instructing our Senator and Representatives in Congress, to use their influence to secure to the State, amount due from the United States, on account of the claim of five per cent. on the lands within the State taken up by land warrants issued by the United States.

Also Senate joint resolution with amendment.

ROBERT BARBER,  
Clerk.

#### ENROLLED BILLS.

Mr. Carmichael, from the Committee on Enrolled Bills, reported as correctly enrolled :

#### AN ACT

To prohibit the sale, gift or barter of intoxicating liquors within five miles of Jackson Shoals in Talladega county.

#### AN ACT

To ratify and confirm the action of the commissioners court of the county of Dallas in the election of a county physician.

#### AN ACT

To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem in the county of Lee.

#### AN ACT

To regulate the per diem and mileage of members of the commissioners court of Marengo county.

#### AN ACT

To prohibit the sale, gift or barter of intoxicating liquor within two miles of Marble Spring Presbyterian

church, Owen Spring Methodist church, Salem Baptist church, and the town of Estaboga, in Talladega county.

#### AN ACT

To repeal an act entitled an act to fix the time of holding the court of county commissioners of Marengo county, approved November 24th, 1866.

#### CALL OF THE DISTRICTS.

On a call of the districts the following bills were introduced :

By Mr. Coleman—

To extend the time of holding the circuit court of Limestone county.

By Mr. Cooper

To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs Church, Cane Creek Church, Oak Bowery Church, Mount Zion Church, Hebron Church in Calhoun County, Blue Eye Church, Refuge Church, Pattons' Chapel Church, Bethel Church, Forrest Hill Church, and the Colored Peoples' Church (near Forrest Hill) in Talladega county Alabama.

By Mr. Hewitt—

To repeal an act entitled an act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capitol stock of such railroads throughout the State as they may consider most conducive to their respective interest, approved December 31, 1868, so far as the same relates to the counties of Jefferson and Walker ;

Which bills were severally read three times, forthwith, under suspension of the constitutional rule, and Passed.

By Mr. Coleman—

To amend section fifteen (15) of an act, in relation to the Agricultural and Mechanical College of Alabama ;

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Education.

By Mr. Edwards—

To authorize Sarah Ann Hanna, widow of John M.

Hanna, deceased, of Blount county, Alabama, to sell certain lands therein mentioned.

By Mr. Hewitt—

To repeal an act entitled an act to allow the chief justice of the supreme court of this State a Secretary, approved March 1st, 1870.

By Mr. Martin—

To amend section 1577 of the Revised Code of Alabama.

By Mr. Cunningham—

To authorize the administrators of the several estates of Thomas Goodwin and John Goodwin, deceased, to settle the partnership transactions in lands of their estates and to sell said lands at private sale.

By Mr. Haralson—

To codify and revise the statute laws of the State of Alabama of a general and public nature.

By Mr. Little—

To prohibit the judges of probate court from appointing certain persons guardian *ad litem*.

Which bills were severally read twice under suspension of the constitutional rule, and referred to the committee on the Judiciary.

By Mr. Grayson—

To amend section 41 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31st, 1868.

By Mr. Hewitt—

To economize in the public printing and to repeal section 133 of the Revised Code.

By Mr. Haralson—

To repeal an act to increase the pay of bailiffs, approved March 19, 1873 ;

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Little, joint resolution—

In relation to the liability of the State on account of railroad bonds.

Which was read, and

Referred to the Joint Committee on Finance.

By Mr. Pennington—

A petition from citizens of Lee county signifying their disapprobation of the repeal of the act establishing the

city court of Lee county, but recommending certain amendments of said act;

Which was read, and

Referred to the Judiciary Committee.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the Committee on the Judiciary, reported favorably with amendment to Senate bill—

To amend section 3706 (160) of the Revised Code of Alabama;

The report was concurred in.

Mr. Robinson moved to amend the amendment by striking out "twenty dollars" and inserting "fifty dollars."

Mr. Pennington moved to indefinitely postpone bill and amendments.

On motion of Mr. Haralson—

The latter motion was laid upon the table.

On motion of Mr. Haralson—

The amendment was laid upon the table;

Bill, was then ordered to a third reading to-morrow.

#### FINANCE AND TAXATION.

Mr. Ervin, from the Committee on Finance and Taxation, reported adversely to

Senate bills—

To allow compensation to the tax assessor of Lowndes county for making the copy of the book of assessments.

For the protection of livery stable keepers;

Which adverse reports were severally concurred in.

Also, from the same committee, favorably to Senate bill—

To require all fines and forfeitures to be collected and paid over in legal currency of the United States in the following counties, to-wit:

Cherokee and Etowah, and fixing the penalty for its violation;

The report was concurred in.

On motion of Mr. Martin—

Bill was amended by inserting Fayette and Sanford counties;

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Title of bill was amended by inserting "Fayette and Sanford."

Also, from the same committee, adversely to Senate bill—

To repeal an act entitled an act to encourage the supply to the people of this State of cooking stoves and appurtenances thereto at reasonable prices, approved March 29, 1873;

Which adverse report was concurred in.

On motion of Mr. Carmichael—

The vote just taken was reconsidered.

On motion of Mr. Snodgrass—

The report was laid upon the table.

On motion of Mr. Snodgrass—

The bill was taken from the table.

Mr. Parks offered the following amendment:

*Provided*, This act shall not go into effect until the 29th day of March, 1874.

Mr. Terrell offered the following amendment to the amendment:

*And provided further*, That no license shall be granted from and after the passage of this act under the provisions of said act.

The amendment to the amendment was adopted, and the amendment, thus amended, was then adopted.

On motion of Mr. Parks—

The bill, thus amended, was ordered to a third reading to-morrow.

#### ENGROSSED BILLS.

Mr. Dreen, from the Committee on Engrossed Bills, reported as correctly engrossed:

Bills—

For the relief of R. U. L. Watson of the county of Wilcox.

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same relates to the counties of Jefferson and Walker.

Declaring the lands of Mitchell Davis of Cherokee



county, which are divided by the line dividing the counties of Cherokee and Etowah, to be deemed and held as being in Cherokee county.

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, and to repeal all laws requiring the publication in newspapers of such exhibits.

To authorize Orcine D. Rutledge of Choctaw county to redeem certain lands sold for taxes and purchased by the State.

#### LEAVE OF ABSENCE

Was granted to Messrs. Doster and Wilson.

#### ADJOURNMENT.

On motion of Mr. Cooper—

The Senate adjourned until 11 o'clock to-morrow.

TUESDAY, November 25, 1873.

The Senate met pursuant to adjournment.

#### PRAYER.

Prayer by Rev. Dr. Wadsworth of Montgomery.

#### ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—31.

Journal of yesterday was read and approved.

## JOINT RESOLUTIONS.

Mr. Coleman called up  
Senate joint resolution—  
Proposing amendment to the constitution of Alabama;  
Which was read the second time, and  
Referred to the Judiciary Committee.

Mr. Goodloe called up  
Senate joint resolution—  
Proposing amendments to the constitution of the State  
of Alabama;  
Which was read the second time, and  
Referred to the Judiciary Committee

## CONSIDERATION OF HOUSE MESSAGES.

House bill

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit, approved February 1, 1872;

Was read twice, under suspension of the constitutional rule.

Mr. Edwards offered the following amendment:

Amend as to Blount county, so as to insert in lieu of the words "first Monday in March and September, and may continue one week," the words "on first Monday in March, and continue one week, and on Monday before the first Monday in September, and may continue two weeks."

The bill and amendment were referred to a select committee consisting of

Messrs. Edwards, Snodgrass, Grayson and Cooper.

House bills—

To repeal an act entitled an act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases, approved February 26, 1872;

To amend section two of an act to incorporate the town of Guntersville in the county of Marshall;

For the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State as a means of punishment for the violation of city or town ordinances;

To prevent the sale of vinous, spirituous or malt liquors, or intoxicating bitters, within three miles of Piney Grove Church and School-house in Morgan county;

To authorize the court of county commissioners of Covington county to levy a special tax for the payment of grand and petit jurors;

To repeal section 1374 of the Revised Code of Alabama, so far as relates to the county of Randolph;

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within two and one-half miles of Choctaw Camp Ground in Choctaw county at certain times therein named;

To repeal an act to consolidate the offices of tax assessor and collector of Covington county, approved February 4, 1850;

To legitimate the children of Anna Jones before her marriage with Josiah Jones of the county of Covington;

Were severally read three times, under suspension of the constitutional rule, and

Passed.

House bill—

To abolish the court of quarter sessions of Wilcox county, and to transfer all the causes therein pending, both civil and criminal, together with all the dockets, papers and books of the said court of quarter sessions to the circuit court of Wilcox county, Alabama;

Was read three times forthwith, under suspension of the constitutional rule, and

Passed.

Title of bill was amended by adding, "and to provide for an extra term of said circuit court to dispose of the business of said court of quarter sessions."

House bill—

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or other intoxicating beverages within three miles of Enon Cumberland Presbyterian Church in Jefferson county;

Was read twice, under suspension of the constitutional rule.

Mr. Hewitt moved to amend by inserting the words, "near W. C. Burford" after the word "church" in first section of bill.

Which amendment was adopted.

The bill, thus amended, was read a third time, under suspension of the constitutional rule, and

Passed.

House bill—

To provide for increasing the pay of the members of the court of county commissioners of Perry county;

Was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

House joint resolutions—

Of thanks to the city authorities of the cities of Opelika, Birmingham, and Talladega;

Raising a joint committee to invite and receive in the city of Montgomery the Committee of the United States Senate on Transportation;

Instructing the finance committee of each house jointly to inquire into the cause of the depreciated condition of the State notes known as the "Patton money;"

Were severally read and adopted.

House joint resolution—

Instructing our Senators and Representatives in Congress to use their influence to secure to the State, amount due from the United States on account of the five per cent. on the lands within the State taken up by land warrants issued by the United States;

Was read three times forthwith, under suspension of the constitutional rule, and

Passed.

#### CONCURRENCE.

The Senate concurred in House amendment to

Senate joint resolution—

Authorizing the appointment of a joint committee to investigate and report what officers and employees of either house of the General Assembly may be dispensed with.

#### SPECIAL ORDER.

At 12 o'clock, the special order set for that hour came up, it being a report from the Committee on the Judiciary.

On motion of Mr. Little—

The Committee on the Judiciary was allowed until 12

o'clock to-morrow to make a report, and it was made the special order for that hour.

## SECOND SPECIAL ORDER.

The second special order set for 12 o'clock then came up, it being  
Senate bill—

To reduce and regulate the *per diem* and mileage of the members of the General Assembly.

Bill was read a third time.

Mr. Carmichael moved to refer the bill to the Judiciary Committee, with instructions to enquire into the necessity of reducing the mileage of members of the General Assembly.

Which motion was lost.

Ayes, 15; noes, 15.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Driesbach, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Parks, Royal and Terrell—15.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Edwards, Ervin, Goodloe, Grayson, Hewitt, Little, Miller, Pennington, Robinson, Snodgrass and Walton—15.

On motion of Mr. Terrell—

Bill was recommitted to the Committee on Finance and Taxation, with instructions to report at 12 o'clock to-morrow, a bill limiting its provisions to the present session, and it was made a special order for that hour.

Ayes, 16; noes, 14.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Glass, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Parks, Royal and Terrell—16.

Noes—Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Goodloe, Hewitt, Little, Miller, Pennington, Robinson and Snodgrass—14.

The third special order then came up, it being the following Senate bills—

To repeal an act to declare James M. Norwood a liner between the counties of Chambers and Lee a citizen of Lee county, and to change the line between said counties, approved February 4th, 1867.

To repeal an act to change the line between the counties of Chambers and Lee, approved February 19th, 1867.

To repeal an act to change the line between Lee and

Chambers counties so as to include the southwest quarter of section eight (8), township twenty (20), range twenty-five (25) in Lee county, approved February 24th, 1872.

Bills were severally read a third time, and

Recommitted to the Committee on Municipal and County Organizations.

#### CALL OF DISTRICTS.

On the call of the Districts the following bills were introduced:

By Mr. Goodloe—

To induce investments of foreign capital in the Chickasaw, Birmingham and Tuscaloosa Railroad Company's bonds and stocks, and thereby to aid in the developing and utilizing of the mineral resources of the State.

By Mr. Hewitt—

For the relief of the tax payers of Alabama.

By Mr. Robinson—

To regulate the payment of State taxes and State warrants.

By Mr. Robinson—

To regulate the registration and payment of State warrants by the State Treasurer.

By Mr. Royal—

For the relief of the sheriff, clerk of the circuit and criminal court and county solicitor of Bullock county.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Goodloe—

To amend an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

By Mr. Coleman—

To amend section 4302 of the Revised Code of Alabama.

By Mr. Cooper—

To provide for a change of venue in certain cases therein named.

By Mr. Cooper—

To authorize and provide for the acknowledgment or proof and recording of conveyances of real estate heretofore made and not proved or acknowledged and recorded.

By Mr. Cobb—

To amend section 9 of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23d, 1873.

By Mr. Martin—

To amend section 1862 of the Revised Code of Alabama.

By Mr. Pennington—

To authorize the city council of Opelika to issue bonds and certificates.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to Judiciary Committee.

By Mr. Edwards—

To fix the time of the commencement and ending of the term of office of the several tax collectors in this State.

Which bill was read twice under suspension of the constitutional rule.

Mr. Haralson moved to amend the bill so as to except the county of Dallas from the provisions of the bill.

Bill and amendment were referred to Judiciary Committee.

By Mr. Edwards, (with petition)—

To incorporate the town of Decatur, repealing and annulling all former charters, as they are void for want of form.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

By Mr. Martin—

To repeal an act entitled an act to provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State, approved April 21, 1873.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Joint Finance Committee.

By Mr. Robinson—

To repeal an act to protect the planters of this State from imposition in the sale of fertilizers.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Internal Improvements.  
By Mr. Terrell—

To provide for the issuing of certificates or receipts by the State.

Which bill was read twice under suspension of the constitutional rule.

Mr. Haralson moved to amend the bill so as to make the fines and forfeitures in the criminal courts of this State receivable in United States currency or State certificates.

Bill and amendment were referred to the Joint Finance Committee.

By Mr. Pennington—

For the relief of Thomas A. Jones.

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Pennington—

To prohibit the selling or giving away of spirituous, vinous or malt liquors, or other intoxicating beverages, within this State, except in incorporated cities, towns and villages.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Terrell, resolution—

Requesting the Governor to furnish certain information.

Which was read and adopted.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 25, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

#### AN ACT

To regulate the publication of legal notices in the county of Crenshaw.



## AN ACT

To repeal an act entitled an act in relation to the fine and forfeiture fund of Tuscaloosa county, and other counties therein named, so far as the same relates to the county of Choctaw.

## AN ACT

To repeal an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868, and to repeal sections 117 and 118 of an act to establish revenue laws for the State of Alabama, approved Dec. 31, 1868, so far as applies to the county of Crenshaw.

## AN ACT

To lay off the county of Conecuh into four commissioners districts.

## AN ACT

To change the boundary line between the counties of Calhoun and Cleburne.

Also—

## JOINT RESOLUTION.

In relation to memorializing Congress on the subject of education.

ROBERT BARBER,  
Clerk of the House.

## ENGROSSED BILLS.

Mr. Dereen, from Committee on Engrossed Bills, reported the following bills as correctly engrossed:

To require all fines and forfeitures to be collected and paid over in the legal currency of the United States in the following counties, to-wit: Cherokee Etowah, Fayette and Sanford, and fixing the penalty for its violation.

To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs Church,

Cane Creek Church, Oak Bowery Church, Mount Zion Church, Hebron Church in Calhoun County, Blue Eye Church, Refuge Church, Patton's Chapel Church, Bethel Church, Forrest Hill Church, and the Colored Peoples' Church (near Forrest Hill) in Talladega county Alabama.

To extend the time of holding the circuit court of Limestone county.

To repeal an act entitled an act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capitol stock of such railroads throughout the State as they may consider most conducive to their respective interest, approved December 31, 1868, so far as the same relates to the counties of Jefferson and Walker.

To amend section 3470 of the Revised Code.

Also, joint resolution—

In relation the act passed by the Congress of the United States, entitled an act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867.

To amend section 3706 (169) of the Revised Code of Alabama.

To repeal an act entitled an act to encourage the supply to the people of this State of cooking stoves and appurtenances thereto at reasonable prices, approved March 29, 1873.

#### ADJOURNMENT.

On motion of Mr. Martin—

The Senate adjourned until 11 o'clock to-morrow.

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WEDNESDAY, November 26, 1873.

The Senate met pursuant to adjournment:

#### PRAYER.

Prayer by the Rev. Dr. Wadsworth, of Montgomery.

## ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Royal, Robinson, Snodgrass, Terrell, Walton and Wilson—33.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }  
STATE OF ALABAMA, }  
Montgomery, November 25, 1873. }

*Mr. President:*

I am directed by the Governor to inform the Senate, that he has this day approved and signed the following bills, originated in the Senate.

## AN ACT

To repeal an act entitled an act to fix the time of holding the court of county commissioners of Marengo county approved November 24th, 1866.

## AN ACT

To prohibit the sale, gift, or barter of intoxicating liquors within five miles of Jackson Shoals, in Talladega county.

## AN ACT

To ratify and confirm the action of the commissioners court of the county of Dallas, in the election of a county physician.

## AN ACT

To regulate the per diem and mileage of members of the commissioners court of Marengo county.

## AN ACT

To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem, in the county of Lee.

## AN ACT

To prohibit the sale, gift or barter of intoxicating liquors within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church, and the town of Estaboga in Talladega county.

Respectfully,

CHAS. J. ATKINSON,  
Recording Secretary.

## MESSAGE FROM THE GOVERNOR.

By Mr. Atkinson, the Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Nov 26, 1873. }

*Gentlemen of the Senate of the State of Alabama:*

In obedience to your resolution of 22d inst., I have the honor to transmit you herewith, reports of the Auditor, Treasurer, Superintendent of Public Instruction, and of my Recording Secretary, which it is believed, furnish to your Honorable Body, all the information sought by the resolution.

In addition to the bonds mentioned in said reports, the South and North Alabama Railroad is entitled to the bonds for four thousand dollars per mile, not yet issued to it as stated in my annual message to your present session.

Some delay has unavoidably occurred in obtaining the information from the manuscript of some of the reports, being in the hands of the printer.

I have the honor to be,

Your Ob't. Servant,  
DAVID P. LEWIS,  
Governor.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
November 26, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county Alabam, for the benefit of free public schools in township 7, range 9, west, in said county, and ordered the same forthwith to the Senate without engrossment.

I am directed to inform the Senate that the House of Representatives has originated and passed joint resolution, accompanying this message, in which the concurrence of the Senate is requested, and ordered the same forthwith to the Senate without engrossment.

ROBERT BARBER,  
Clerk of House.

## GOVERNOR'S MESSAGE.

On motion of Mr. Pennington—

The Governor's message in response to Senate resolution of 22d inst., was taken up, and referred, with the accompanying documents, to the Joint Finance Committee, and ordered that two thousand copies of each be printed for the use of the Senate, and that the Secretary of the Senate be instructed to furnish a copy of said documents to the Public Printer forthwith.

## HOUSE MESSAGES.

On motion of Mr. Terrell—

House joint resolution—

In relation to referring bills of both houses pertaining to finance and taxation, to the Joint Finance Committee,  
Was taken up, read and adopted.

## CALL OF DISTRICTS.

On a call of the Districts the following bills were introduced:

By Mr. Haralson—

To amend an act entitled an act to incorporate the National Hotel Company of Selma, approved December 7, 1866.

Which was read twice under a suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

By Mr. Little—

To amend section 2421 of the Revised Code of Alabama.

By Mr. Little—

To compensate county solicitors for services rendered to the grand juries.

By Mr. Parks—

To define and punish larceny after trust.

By Mr. Carmichael—

To provide for the redemption of lands sold for taxes and purchased by the State.

By Mr. Martin—

To authorize Mrs. Virginia Owen Green, wife of Thos. F. Green, of the county of Jefferson, to purchase property, and to mortgage the same for the security of the unpaid purchase money.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

By Mr. Walton—

To authorize the commissioners court of Choctaw county to increase the pay of the sheriff of said county for *ex-officio* services, and be made a preferred claim against the county treasury.

By Mr. Carmichael—

To repeal sub-divisions six, nine, fifteen and sixteen of section three of an act entitled an act to establish revenue laws for the State of Alabama, approved December 31st, 1868.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Parks—

For the relief of the bondholders of the city of Troy.  
Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Parks—

For the relief of Columbus A. Ligon, a citizen of Pike county.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Privileges and Elections.

By Mr. Parks—

To regulate the manner of holding the circuit courts of the State.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to a select committee of five, consisting of Messrs. Coleman, Martin, Doster, Cobb and Parks.

By Mr. Carmichael—

To amend section one of an act entitled an act to incorporate the Elba Manufacturing Company, in Coffee county, approved February 10th, 1852.

By Mr. Carmichael—

To repeal an act entitled an act declaring White Water, in Coffee county, a public highway, approved February 29th, 1848.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Internal Improvements.

By Mr. Pennington—

To authorize the issuance of State certificates to the sum of one million of dollars

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Joint Finance Committee.

By Mr. Robinson—

For the relief of James T. Walton—

Which bill was read twice under suspension of the constitutional rule.

Pending consideration of bill, by leave—

#### LOCAL LEGISLATION.

Mr. Martin, from the Committee on Local Legislation, reported favorably to Senate bill—

To provide for the payment of the debt of Butler county.

The report was concurred in, and

Bill, read a third time, forthwith, under a suspension of the constitutional rule, and

Passed.

#### THANKSGIVING AND HUMILIATION AND PRAYER.

By leave, Mr. Dereen offered the following resolution, which was read and adopted:

WHEREAS, The President of the United States has recommended the observance of the 27th day of November, 1873, as a day of Thanksgiving; and

Whereas, The Governor of this State has recommended the observance of the same day as a day of humiliation and prayer; therefore,

*Be it resolved*, That when the Senate adjourn, it adjourn to 12 o'clock M., on Friday, the 28th instant, and that the day of the 27th be observed by Senators in thanksgiving, or humiliation and prayer, as the conscience of each may dictate.

#### FINANCE AND TAXATION.

By leave, Mr. Ervin, from the Committee on Finance and Taxation, reported favorably to Senate bill—

To exempt the Selma Exposition from certain taxes therein named.

The report was concurred in, and

Bill read a third time, forthwith, under a suspension of the constitutional rule.

Bill was then passed.

Ayes, 28; noes, 4.

Ayes—Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Little, Martin, Miller, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—28.

Noes—Messrs. Carmichael, Coleman, Robinson and Parks—4.

#### MEMORIAL.

Mr. President laid before the Senate memorial by the



Board of Education to the General Assembly of Alabama relative to the free public schools.

Which was read, and

On motion of Mr. Martin—

Referred to the Joint Finance Committee.

#### ENGROSSED BILLS,

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed:

A bill—

For the relief of Thomas A. Jones, of Lee county.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, November 25, 1873. }

*Gentlemen of the General Assembly of the State of Alabama :*

I have the honor to transmit herewith the report and supplemental report of James L. Tait, as Receiver of the lands of Alabama and Chattanooga Railroad Company, appointed by the chancery court of Etowah county, under a bill filed during the administration of my immediate predecessor. Your attention is called to the interesting and important matter contained in the report.

Your obedient servant,

DAVID P. LEWIS,  
Governor.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, November 25, 1873. }

*Gentlemen of the Senate of the State of Alabama :*

In obedience to your resolution of 25th instant, calling upon me to furnish your honorable body such information as may be in my possession concerning the tender of resignation of the Hon. A. P. Wilson as the Senator from

Montgomery county, together with a copy of any correspondence I may have pertinent to such resignation, I have the honor to say in reply:

That at some time not far from the adjournment of the last session of the General Assembly, Senator Wilson laid on my table two papers, which he stated to me contained a conditional resignation of his seat in the Alabama Senate.

These papers were handed by me to my Recording Secretary, to be filed away in the place allotted for such papers. I did not read the papers, and know their contents from the statement of Mr. Wilson alone.

No copy, record or memorandum touching the same was made in this office.

On the application of Mr. Wilson, before the election to fill vacancies in the General Assembly was ordered, these papers, at the request of Mr. Wilson, were surrendered to him.

I have no means of arriving more accurately than above at the date of either the filing or withdrawing of the resignation.

No correspondence was ever had between Mr. Wilson, or any one else, and myself respecting the said resignation, consequently no copies can be furnished.

The only other "information" that I have respecting the said resignation, is the declaration of the condition on which Mr. Wilson declared that he resigned.

He stated, on filing the papers, that he would not resign the office of Senator, unless the construction of the rules of the civil service of the United States rendered his continuance in that office a ground of vacating his office of postmaster at Montgomery.

I have no further knowledge or information on the subject inquired of in said resolution.

Your obedient servant,

DAVID P. LEWIS,  
Governor.

ADJOURNMENT.

On motion of Mr. Coleman—

The Senate adjourned until 12 o'clock Friday.

FRIDAY, November 28, 1873.

The Senate met pursuant to adjournment.

PRAYER

By Rev. Dr. Wadsworth of Montgomery.

ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—29.

The Journal of yesterday read and approved.

JUDICIARY COMMITTEE.

By leave, Mr. Hamilton, from the Committee on the Judiciary, made the following

REPORT:

*To the Hon. the President and Senate of Alabama:*

The Committee on the Judiciary, to which was referred a "joint resolution proposing amendments to the constitution of Alabama," and also "joint resolution proposing amendments to the constitution of the State of Alabama," and also resolutions entitled "resolutions providing for a call of a convention to reduce the expenditures of the State Government," have had the same under consideration, and direct me to report, that in accordance with the instructions contained in the last named resolutions, they have prepared and now submit to the judgment of the Senate, in the form of joint resolutions, a series of amendments to the present constitution.

Your committee, while it admits that a more consistent and harmonious system and organic law might be framed by a convention charged with the whole subject, can not

in the present condition of public affairs recommend the calling of a convention to amend the constitution.

Your committee, therefore, recommend that the accompanying joint resolutions be substituted and adopted, in place of those referred to this committee, and that those so referred to your committee be laid on the table.

Respectfully submitted.

P. HAMILTON,  
Chairman.

Nov. 28, 1873.

The report was concurred in.

#### JOINT RESOLUTIONS

Proposing amendments to the constitution of the State of Alabama to the electors of the State, to be voted upon at the general election on the Tuesday after the first Monday of November, 1874;

Were read and ordered to a second reading, and made the special order for Wednesday next at 12 o'clock M., and two hundred copies ordered to be printed.

#### JOINT FINANCE COMMITTEE.

By leave, Mr. Ervin, from the Joint Finance Committee, reported a

Joint resolution—

To provide for discharging the claim held by the Alabama Insane Hospital against the State of Alabama for the support of the indigent insane for the quarter of the fiscal year ending 30th September, 1873.

Joint resolution was read three times forthwith, under suspension of the constitutional rule, and

Passed and ordered forthwith to the House.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 28, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed joint resolutions, in which the concurrence of the Senate is requested,

Inviting Governor Patton to address the members of the General Assembly and the citizens generally on the Centennial celebration.

ROBERT BARBER,  
Clerk of House.

On motion of Mr. Coleman, House joint resolution—  
Inviting Gov. Patton to address the members of the General Assembly, and the citizens generally, on the Centennial celebration,

Was taken up, read and concurred in.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Glass and Little until Monday next, and Messrs. Carmichael and Grayson until Tuesday next.

#### CONSIDERATION OF HOUSE MESSAGES.

House joint resolution—

In relation to memorializing Congress on the subject of education,

Was read, and

On motion of Mr. Hewitt—

Its further consideration was postponed until Monday next, at 12 o'clock M., and it was made the special order for that hour.

House bill—

To change the line between the counties of Calhoun and Cleburne,

Was read twice under suspension of the constitutional rule, and

Referred to the committee on Municipal and County Organizations.

House bills—

To lay off the county of Conecuh into four commissioners districts.

To regulate the publication of legal notices in the county of Crenshaw.

To repeal an act entitled an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August

12th, 1868, and to repeal sections 117 and 118 of an act to establish revenue laws for the State of Alabama, approved Dec. 31st, 1868, so far as applies to the county of Crenshaw,

Were severally read three times, forthwith, under suspension of the constitutional rule, and

Passed.

House bill—

To repeal an act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named, approved March 27th, 1873, so far as the same relates to Choctaw county,

Was read twice under suspension of the constitutional rule, and

Referred to a select committee of three, consisting of Messrs. Edwards, Walton and Dereen.

House bill—

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township 7, range 9, west, in said county,

Was read twice under suspension of the constitutional rule, and

Ordered to a third reading.

#### ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed:

Bills—

To exempt the Selma Exposition from certain taxes therein named.

To provide for the payment of the debt of Butler county.

Also, joint resolution—

To provide for the payment and discharge of the claim of the Alabama Insane Asylum against the State of Alabama, for the support of the indigent insane, for the quarter of the fiscal year ending on the 30th September, 1873.

#### CALL OF THE DISTRICTS.

On a call of the Districts,  
Senate bill—

For the relief of James T. Walton,  
Came up.

Pending the consideration of which,

By leave, Mr. Robinson introduced the following bills:

To repeal sections 108 and 118 of an act to establish revenue laws for the State of Alabama.

To constrne section 42 of an act to establish revenue laws for the State of Alabama.

To repeal an act for the encouragement of mining, manufacturing, industrial and commercial pursuits within the State of Alabama.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

To authorize the probate court of Macon county to appoint Mrs. Celia Gachet guardian of her children.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Privileges and Elections.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
November 28, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

#### AN ACT

To enable private corporations incorporated by the laws of this State to surrender their charters, and settle up their corporate affairs.

Without engrossment—

#### AN ACT

To amend section 7 of an act entitled an act to keep in each connty in this State a proportionate share of the public school money, approved April 19th, 1873.

## AN ACT

To authorize Angus McAllister, administrator of the estate A. J. McAllister, deceased, to sell lands belonging to said estate.

## AN ACT

To amend an act entitled an act to prevent the sale of liquor within a mile of Choocolocco Bridge, on Truss' Ferry Road, in Talladega county.

And has concurred in Senate amendment to House bill, entitled

## AN ACT

To abolish the court of quarter sessions of Wilcox county, and to transfer the causes therein pending, both civil and criminal, together with all the dockets, papers and books of the said court of quarter sessions to the circuit court of Wilcox county, Alabama.

ROBERT BARBER,  
Clerk.

Mr. Doster called up the motion to reconsider the vote by which Senate passed Senate bill—

For the appointment of commissioners to liquidate claims against the State, arising from bonds issued and endorsed in the name of the State of Alabama.

Pending which,

On motion of Mr. Cobb—

At 2 o'clock and 35 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

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SATURDAY, November 29, 1873.

The Senate met pursuant to adjournment.

## ROLL CALL.

On the call of the roll, the following Senators answered to their names;



Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Goodloe, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Martin, Miller, Parks, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—27.

Journal of yesterday was read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Jones until Tuesday next, and Mr. Robinson until Wednesday next.

#### JUDICIARY COMMITTEE.

By leave, Mr. Hamilton, from the Judiciary Committee, reported favorably, with amendment, to Senate bill—

To codify and revise the statute laws of Alabama of a general and public nature.

The report was concurred in, and

Amendment adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

#### HOUSE BILL.

On motion of Mr. Goodloe,

House bill—

To regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township 7, range 9, west, in said county,

Was taken up, and read a third time, and

Passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES. {  
November 29, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed joint resolu-

tion, in which the concurrence of the Senate is requested, to be entitled as follows :

To provide additional per diem for the Journal and Recording Clerks of this House.

And ordered the same to the Senate forthwith without engrossment.

ROBERT BARBER,  
Clerk.

MESSAGE FROM THE GOVERNOR,

By Mr. C. J. Atkinson, his Recording Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
Montgomery, November 28, 1873. }

*Gentlemen of the General Assembly of Alabama.*

I have the honor to transmit you herewith, report of Hon. Wm. H. Moore, as commissioner appointed under "an act to authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mentioned against the State of Alabama, on account of the Alabama and Chattanooga Railroad, approved March 28th, 1873.

Also, report of M. G. Moore, as special commissioner to settle lease of penitentiary, appointed by my predecessor.

Your Ob't. Servant,  
DAVID P. LEWIS,  
Governor.

On motion of Mr. Pennington—  
The Governor's Message was read.

On motion of Mr. Haralson—

It was ordered that the message lie upon the table, and that one hundred copies of the accompanying reports be printed for the use of the Senate.

CALL OF THE DISTRICTS.

On a call of the Districts, the following bills were introduced :

By Mr. Coleman—

To prevent injury to animals.

By Mr. Edwards—

To establish an inferior court of record in the town of Decatur, Alabama.

By Mr. Cooper—

To authorize Mary Allen Kyle, a minor, to settle with her guardian and to make all contracts, sue and be sued as if she were twenty-one years of age, &c.

By Mr. Cooper—

To repeal an act entitled an act to suppress murder, lynching, and assault and batteries, approved December 28th, 1868, so far as the same relates to the counties of Etowah and Cherokee.

By Mr. Hewitt—

To amend section four of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23d, 1873.

By Mr. Cobb—

To regulate the trial of civil actions and to repeal sections 2660 and 2661 of the Revised Code.

By Mr. Cobb—

To amend section 2963 (2535) of the Revised Code of Alabama.

By Mr. Martin—

To amend section 1925 (1604) of the Revised Code of Alabama.

By Mr. Martin—

To amend section 2329 (1941 ee) of the Revised Code of Alabama;

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to Judiciary Committee.

By Mr. Coleman—

To create a new voting precinct called Pettusville in the county of Limestone.

By Mr. Snodgrass—

For the relief of Creed Taylor, assignee of John L. Kirby of the county of Marshall.

By Mr. Cooper—

To enlarge the powers of sheriffs in Etowah county, as therein shown.

By Mr. Cobb—

To amend an act entitled an act to incorporate the town of Columbiana in the county of Shelby, approved March 25th, 1873.

By Mr. Cunningham—

To establish an election precinct at Chandler's Spring in the county of Talladega.

Which bills were read three times forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Snodgrass—

To change and define the county line between the counties of DeKalb and Cherokee.

By Mr. Snodgrass (with petition)—

To detach a portion of the county of Blount, and attach the same to the county of St. Clair.

By Mr. Terrell—

To change the county line between the counties of Bullock and Barbour.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Municipal and county Organizations.

By Mr. Hewitt—

In relation to the fees of sheriffs for victualing prisoners in jail.

By Mr. Hewitt—

To repeal certain sections of the revenue law of 1868, therein named.

By Mr. Cobb—

To reduce taxes, and to relieve the agricultural and mechanical interests of the State from heavy burthens.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Hewitt—

Petition from citizens of Jefferson county praying to be made citizens of St. Clair county.

Which was read, and

Referred to the Committee on Municipal and County Organizations,

With instructions to report by bill or otherwise.

By Mr. Martin—

Joint memorial to the Congress of the United States, asking aid for the development of the Cahaba and Warrior coal fields, and the establishment of a coaling depot on the Gulf of Mexico, near Mobile.

Which was read and adopted.

By Mr. Martin—

Petition of John L. S. Foster and others, asking prohibition of liquor within five miles of Grant's Creek Church in Tuscaloosa county.

Which was read, and

Referred to the Committee on Municipal and County Organizations,

With instructions to report by bill or otherwise.

By Mr. Terrell—

Bill—

To repeal an act entitled an act to repeal an act entitled an act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed, approved February 7, 1870, which said repealing act was approved April 18, 1873.

Which bill was read twice, under suspension of the constitutional rule.

Pending the consideration of which, at the hour of 12 o'clock,

Mr. Coleman, from joint committee to wait upon Ex-Governor R. M. Patton and invite him to address the General Assembly and the people generally upon the subject of the approaching Centennial Exposition, with leave, reported that the committee and Ex-Gov. Patton had fixed upon 12 o'clock as the time, and the hall of the House of Representatives as the place, for the delivery of the address.

Thereupon,

On motion of Mr. Coleman—

The Senate took a recess, to be called together by the President of the Senate.

At half-past one o'clock P. M.,

Mr. President called the Senate to order.

Senate resumed consideration of the bill pending at the time of taking the recess, and it was

Referred to the Judiciary Committee.

#### CALL OF DISTRICTS.

The call of the districts was resumed, and the following bills introduced :

By M. Terrell—

To impose a license and tax upon any person, firm, company or corporation engaged in the sale or purchase

of guano or other fertilizers manufactured without the limits of this State.

By Mr. Pennington—

To fix the compensation to be allowed the members of the commissioners court of Lee county.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Pennington—

For the relief of sheriffs

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on the Judiciary.

By Mr. Pennington—

To amend section 1770 of the Revised Code of Alabama.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Federal Relations.

By Mr. Pennington—

To authorize the commissioners court of Crenshaw county to issue bonds.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Terrell—

Resolution providing for the Senators to be divided into two classes, under the provisions of section 4, article 8, State Constitution.

Which resolution was read, and

Referred to the Judiciary Committee.

#### INTERNAL IMPROVEMENTS.

Mr. Pennington, from the Committee on Internal Improvements, to which was referred the memorial of merchants of Mobile praying for the aid and influence of the General Assembly of Alabama with the Congress of the United States for the improvement of the Warrior and Cahaba rivers, reported

#### JOINT RESOLUTIONS

Instructing the Senators and requesting the Representatives in Congress from Alabama to urge upon Congress the

passage of a law directing the survey and improvement of the Warrior and Cahaba rivers.

Which was read and adopted.

#### MUNICIPAL AND COUNTY ORGANIZATIONS.

By leave, Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to Senate bill—

To amend an act entitled an act to incorporate the National Hotel Company of Selma, approved December 7, 1866.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### BILLS INTRODUCED.

Mr. Doster, by leave, introduced bills—

To authorize John L. Alexander, as administrator of the estate of Jeremiah Lassiter, deceased, to sell certain lands therein described at private sale.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

For the relief of Matilda E. Howard of Antanga county, as administratrix of the estate of N. M. Howard, deceased.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Privileges and Elections.

#### ADJOURNMENT.

On motion of Mr. Haralson—

The Senate adjourned until 12 o'clock Monday.

MONDAY, December 1, 1872.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Gwin of Montgomery.

ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Parks, Royal, Snodgrass, Terrell and Walton—26.

. Journal of yesterday was read and approved.

LEAVE OF ABSENCE

Leave of absence was granted Mr. Miller.

SELECT COMMITTEE.

By leave, Mr. Hamilton, from select committee, reported favorably, with amendment, to

Senate bill—

To fix the terms of office of certain municipal officers in the city of Mobile.

The report was concurred in, and

The amendment adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

JUDICIARY COMMITTEE.

By leave, Mr. Cobb, from the Judiciary Committee, reported favorably, with amendment, to

Senate bill—

For the relief of the judges of Alabama.

The report was concurred in, and

The amendment adopted.

Mr. Black moved to amend as follows:



Provided, that the provisions of this act shall not apply to the 11th judicial circuit.

Which amendment was laid upon the table.

Bill, as amended, was read a third time forthwith, under suspension of the constitutional rule, and Passed.

#### JOINT FINANCE COMMITTEE.

By leave, Mr. Ervin, from Joint Committee on Finance, reported bill—

To provide for the funding of the domestic debt of this State.

Bill was read twice, under suspension of the constitutional rule, and

Ordered that it be laid upon the table, and that two hundred copies be printed for the use of the two houses, and that it be made the special order for 12 o'clock M. tomorrow.

#### SPECIAL ORDER.

The special order set for 12 o'clock then came up, it being

House joint resolution—

In relation to memorializing Congress on the subject of education.

Mr. Hewitt offered the following substitute:

*Be it resolved by the General Assembly of Alabama,* That a joint committee of three upon the part of the Senate, and ——— upon the part of the House, be raised to enquire into the expediency of memorializing the Congress of the United States in favor of the grant to the State of Alabama, for the purpose of education, all the public lands of the United States within said State, with power to sell and graduate the price of said lands according to the quality and value, so as to enable the State to sell the same for such sum as they are reasonably worth; and also to enquire into the expediency of memorializing the same in favor of the assumption of the public debt of the State by the United States, and of granting to the State in compensation for the emancipation of her slaves her *pro rata* of four hundred million dollars, according to number of slaves, for educational purposes.

Mr. Cobb moved to make joint resolution and substitute special order for 12 o'clock, Thursday next.

Mr. Coleman moved to lay joint resolution and substitute upon the table.

Which latter motion was lost.

Ayes, 3; noes, 23.

Ayes—Messrs. Colenian, Cooper and Goodloe—3.

Noes—Messrs. Black, Carmichael, Cobb, Cunningham, Curtis, Dereen, Driesbach, Ervin, Glass, Grayson, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Parks, Royal, Snodgrass, Terrell, Walton and Wilson—23.

Mr. Cooper moved to indefinitely postpone joint resolution and substitute.

Which motion was lost.

Ayes, 3; noes, 22.

Ayes—Messrs. Cooper, Curtis and Parks—3.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Dereen, Driesbach, Edwards, Ervin, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Royal, Terrell, Walton and Wilson—22.

The motion to make joint resolution and substitute special order for 12 o'clock, Thursday next, was then carried.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
December 1, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills in which the concurrence of the Senate is requested, to be entitled as follows:

#### AN ACT

To amend section two of an act entitled an act to amend an act to authorize the commissioners court of Pike county to have collected a tax to pay bridge claims.

## AN ACT

Authorizing and defining the compensation of the board of equalization of Pike county.

## AN ACT

For the relief of Thomas H. Bailey, of Washington county.

## AN ACT

To amend section four of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23d, 1873.

## AN ACT

To establish two election precincts in the county of Washington.

## AN ACT

To establish a place of voting in precinct No. 3, in the county of Walker.

ROBERT BARBER,  
Clerk.

## HOUSE BILL.

On motion of Mr. Terrell,  
House bill—

To amend section four of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23d, 1873,

Was taken up.

Bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

## MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
 EXECUTIVE DEPARTMENT, }  
 Montgomery, December 1, 1873. }

*Mr. President:*

I am instructed by the Governor to communicate to the Senate a message in writing, with an accompanying document.

CHARLES J. ATKINSON,  
 Recording Secretary.

## SELECT COMMITTEE.

By leave, Mr. Coleman, from select committee, reported adversely to Senate bill—

To change the time of meeting of the General Assembly of Alabama.

Which adverse report was concurred in.

## BILL INTRODUCED.

By leave, Mr. Martin introduced bill—

To repeal an act entitled an act to amend an act entitled an act to establish revenue laws for the State of Alabama, approved February 9, 1870.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

## SELECT COMMITTEE.

By leave, Mr. Edwards, from select committee, reported, favorably, with amendment, to House bill—

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit.

The report was concurred in, and

Amendment adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

## RESOLUTION.

By leave, Mr. Cooper offered the following resolution:

*Resolved*, That from and after the adoption of this resolution the Senate will meet at 10 o'clock and 15 minutes A. M., and adjourn at 2 o'clock and 15 minutes P. M.

Mr. Cobb moved to amend by adding "excepting on Monday."

Mr. Terrell moved to lay the amendment upon the table.

Mr. Coleman moved to adjourn.

Which latter motion was lost.

Ayes, 10; noes, 16.

Ayes—Messrs. Black, Coleman, Cunningham, Curtis, Dereen, Driesbach, Haralson, Harris, Hatch and Parks—10.

Noes—Messrs. Carmichael, Cobb, Cooper, Edwards, Ervin, Glass, Grayson, Hamilton, Hewitt, Leftwich, Little, Martin, Royal, Snodgrass, Terrell and Walton—16.

The motion to lay the amendment upon the table was lost.

The amendment was then adopted.

Mr. Hamilton moved to amend by striking out the words, "and adjourn at 2 o'clock and 15 minutes P. M.," and by adding at end of resolution the words, "and the time at which the Senate adjourns on each day shall be entered on the daily journal of the Senate, and the name of the Senator on whose motion the adjournment is made."

Mr. Cooper moved to lay the amendment upon the table.

Which motion was lost.

Ayes, 4; noes, 23.

Ayes—Messrs. Black, Cooper, Glass and Leftwich—4.

Noes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Little, Martin, Parks, Royal, Snodgrass, Terrell and Walton—23.

The amendment was then adopted, and

The resolution, as amended, was adopted.

#### BILLS INTRODUCED.

By leave, the following bills were introduced :

By Mr. Hamilton—

To provide for keeping a record of suits against the State.

By Mr. Hamilton—

To render competent as witnesses certain persons therein named, when suits are brought by the personal representatives of deceased persons.

By Mr. Walton—

To amend an act to secure justices of the peace and notaries public in their fees in certain cases.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

By Mr. Martin—

To amend the charter of the Enreka Mining and Transportation Company of Alabama.

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Haralson—

To repeal an act entitled an act for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Hewitt—

To incorporate the Mineral City Fire Company, No. 2, of Birmingham, Alabama, as an engine or hose company, for municipal purposes.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

#### ADJOURNMENT.

On motion of Mr. Haralson—

At 2 o'clock and 35 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

TUESDAY, December 2, 1873.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Gwin, of Montgomery.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Parks, Pennington, Royal, Snodgrass and Walton—26.

The Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Miller until Wednesday.

MEMORIAL.

Mr. President laid before the Senate a memorial from Robert M. Livingston, formerly Consul of the United States, &c., to Manchester, England, and also to Ghent, Belgium, upon the introduction into Alabama of capital and skilled labor.

Which was read, and

Referred to the Committee on Finance and Taxation.

BILLS INTRODUCED.

By leave, the following bills were introduced :

By Mr. Wilson—

To amend section one of an act entitled an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending said charter, approved March 3, 1870.

Which bill was read twice under suspension of the constitutional rule, and

Referred to a select committee of five, consisting of

Messrs. Wilson, Grayson, Snodgrass, Black and Dereen.

By Mr. Cobb—

To regulate the practice in cases of application for mandamus in the courts of this State inferior to the supreme court.

Which bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Black—

To repeal an act entitled an act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, so far as the same relates to the county of Barbour.

Which bill was read twice under suspension of the constitutional rule.

Mr. Carnichael moved to amend by striking out the words, "so far as the same relates to the county of Barbour," where they occur in the body and title of the bill.

Which amendment was adopted.

Bill, thus amended, was read a third time, under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Black—

Better to enable the Commissioner of Industrial Resources to execute the provisions of paragraph 2, article XII, of the constitution of Alabama.

By Mr. Haralson—

To authorize the tax assessors to furnish the county treasurer with an abstract copy of the names of all persons assessed by him liable to a poll tax.

By Mr. Haralson—

To pay the fees due, in certain cases, to the late sheriff of Dallas count out of the general fund of said county.

By Mr. Haralson—

Explanatory of section eleven of an act entitled an act to establish a criminal court for the county of Dallas.

By Mr. Royal—

To compensate James G. Cowan, of Bullock county, for feeding certain prisoners.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.



By Mr. Haralson—

To authorize the commissioners court of Dallas county to provide a courthouse, and to dispose of courthouses belonging to said county.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

By Mr. Haralson—

Authorizing the commissioners court of Dallas county to appoint a janitor for the court house.

By Mr. Haralson—

For the relief of citizens who are exempt from public road duty in this State.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Curtis—

For the relief of Seaborn A. Edwards of Perry county, as administrator of the estate of A. M. Mahan.

Which bill was read three times forthwith, under a suspension of the constitutional rule, and

The question being put—

Shall the bill pass?

It was decided in the affirmative—Ayes 17, nays 8.

Ayes—Messrs. Cobb, Cooper, Curtis, Dereen, Driesbach, Edwards, Glass, Goodloe, Grayson, Haralson, Harris, Leftwich, Pennington, Royal, Snodgrass, Terrell and Wilson—17.

Nays—Messrs. Carmichael, Coleman, Cunningham, Ervin, Hewitt, Martin, Parks and Walton—8.

By Mr. Edwards—

To amend the charter of the town of Decatur in Morgan county.

Which bill was read twice, under suspension of the constitutional rule, and

Ordered to a third reading on to-morrow.

#### RESOLUTION.

Mr. Hewitt offered the following resolution, which was read and adopted:

*Be it resolved by the Senate,* That the Committee on Public Printing be requested to report back to the Senate on to-morrow at twelve o'clock, the bill to be entitled an

act to repeal an act entitled an act to authorize the publication of the laws in a newspaper, and that said bill be made a special order for that hour.

#### LOCAL LEGISLATION.

By leave, Mr. Martin, from the Committee on Local Legislation, reported favorably to

Senate bills—

To repeal an act entitled an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, so far as it relates to the county of Madison.

The report was concurred in.

Bill read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

#### JOINT RESOLUTION.

By leave, Mr. Ervin, from the Joint Finance Committee, reported

Joint resolution—

In relation to the revisal of the revenue system of this State.

Which joint resolution was read three times forthwith, under suspension of the constitutional rule, and

The question being put—

Shall the joint resolution pass?

I was decided in the negative—Ayes 11, nays 15.

Ayes—Messrs. Black, Cobb, Dereen, Driesbach, Ervin, Goodloe, Hamilton, Haralson, Parks, Pennington and Wilson—11.

Nays—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Edwards, Glass, Grayson, Harris, Hewitt, Little, Martin, Royal, Snodgrass and Walton—15.

Mr. Little moved to reconsider the vote just taken.

After debate—

The question being put, it was decided in the affirmative—Ayes 14, nays 11.

Ayes—Messrs. Black, Cobb, Cooper, Dereen, Driesbach, Ervin, Goodloe, Hamilton, Harris, Little, Parks, Pennington, Terrell and Wilson—14.

Nays—Messrs. Carmichael, Coleman, Cunningham, Custis, Edwards, Grayson, Hewitt, Leftwich, Martin, Snodgrass and Walton—11.

The question recurring on the passage of the joint resolution—

Mr. Martin moved to indefinitely postpone the joint resolution.

Mr. Goodloe moved to lay the motion upon the table, and it was laid upon the table—Ayes 14, nays 12.

Ayes—Messrs. Black, Cobb, Dereen, Driesbach, Ervin, Goodloe, Hamilton, Haralson, Harris, Little, Parks, Pennington, Terrell and Wilson—14.

Nays—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Edwards, Grayson, Hewitt, Leftwich, Martin, Snodgrass and Walton—12.

And the question being put

Shall the joint resolution pass?

It was decided in the affirmative—Ayes 14, nays 12.

Ayes—Messrs. Cobb, Dereen, Driesbach, Ervin, Goodloe, Hamilton, Haralson, Harris, Jones, Little, Parks, Pennington, Terrell and Wilson—14.

Nays—Messrs. Carmichael, Coleman, Cunningham, Curtis, Edwards, Grayson, Hewitt, Leftwich, Martin, Royal, Snodgrass and Walton—12.

#### SPECIAL ORDER.

At the hour of 12 o'clock, the special order set for that hour came up, it being

Senate bill—

To provide for the funding of the domestic debt of the State.

On motion of Mr. Pennington—

The further consideration of the special order was postponed until 11 o'clock A. M. to-morrow, and it was made the special order for that hour, and for that hour from day to day until disposed of.

#### RECONSIDERATION.

On motion of Mr. Coleman—

The vote by which Senate ordered

Senate bill—

To amend the charter of the town of Decatur in Morgan county

To a third reading, was reconsidered.

Bill was then referred to the Committee on Municipal and County Organizations.

## BILLS INTRODUCED.

By leave the following bills were introduced :

By Mr. Haralson (with petition)—

To better secure the payment of wages and dues of the mechanics and employees of railroad companies in this State.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to a select committee of five, consisting of Messrs. Cobb, Haralson, Goodloe, Edwards and Grayson.

By Mr. Terrell—

To prohibit the sale or giving away of spirituous, vinous or malt liquors within two and a half miles of Dudleyville Academy in the county of Tallapoosa.

Which bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Goodloe—

To provide and fix a salary for the county solicitor of Colbert county.

Which bill was read twice, under suspension of the constitutional rule.

Mr. Coleman moved to amend by adding "Limestone county."

Which amendment was adopted.

Bill, thus amended, was then referred to the Committee on Finance and Taxation.

## GOVERNOR'S MESSAGE.

On motion of Mr. Cooper—

The Governor's message received yesterday was taken up and read, as follows:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, December 1, 1873.

*Gentlemen of the General Assembly:*

I have the honor to lay before you the report of the three commissioners appointed under section 70 of the Revised Code of Alabama to examine the books, accounts

and vouchers of the State Treasurer, Comptroller, and Superintendent of Education.

Your obedient servant,

DAVID P. LEWIS,  
Governor.

The report of the commissioners was read, and

On motion of Mr. Haralson—

It was ordered that the message and report be laid upon the table, and one thousand copies printed for the use of the Senate.

#### SELECT COMMITTEE.

By leave, Mr. Edwards, from select committee, reported favorably to

House bill—

To repeal an act entitled "An act in relation to the fine and forfeiture fund of Tuscaloosa county and other counties therein named," so far as the same relates to the counties of Choctaw and Blount.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### BILLS INTRODUCED.

By leave, the following bills were introduced :

By Mr. Hamilton—

To amend section 2373 (1984) of the Revised Code of Alabama.

By Mr. Carmichael—

To repeal an act entitled an act to protect the planters of this State from imposition in the sale of fertilizers, approved March 8, 1873.

Which bills were severally read twice, under suspension of the constitutional rule, and

referred to the Judiciary Committee.

By Mr. Hewitt, (with petition)—

To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

#### HOUSE JOINT RESOLUTION.

Mr. Pennington called up House Joint Resolution—  
To provide additional per diem to journal and recording clerks of this House.

Which joint resolution was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

Mr. Parks called up  
Senate bill—

To amend section two (2) of an act entitled an act to regulate property exempt from sale for the payment of debts, approved April 23, 1873.

On motion of Mr. Parks—

The further consideration of the bill was postponed until Friday next at 11 o'clock A. M., and it was made the special order for that hour.

#### JOINT RESOLUTION.

By leave, Mr. Terrell introduced a joint resolution—

Authorizing the Auditor to draw his warrant in favor of Patrick Doran for services rendered by him as Doorkeeper of the Senate from 13th to 31st January, 1873.

Which joint resolution was read twice, under suspension of the constitutional rule.

Mr. Haralson moved to amend by inserting "J. A. Farden, Enrolling Clerk of the Court House Senate."

The joint resolution and amendment were referred to the Committee on Finance and Taxation.

#### JUDICIARY AND LOCAL LEGISLATION.

By leave, Mr. Hamilton, from the Committee on the Judiciary, reported back,

Senate bill—

To establish an inferior court of record in the town of Decatur, Alabama.

Bill was then referred to the Committee on Local Legislation.

## MEMORIAL.

By leave, Mr. Edwards presented a memorial, in the nature of a protest, against the passage of any bill for the removal of the seat of justice from Somerville, and also against the establishment of a law and equity court or court of any kind, for the purpose of transacting the business of the circuit court, signed by Jackson Green, and other citizens of Morgan county.

## ADJOURNMENT.

On motion of Mr. Haralson, at 2 o'clock and 35 minutes P. M.—

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow—yeas 18, nays 9.

Yeas—Messrs. Black, Carmichael, Coleman, Cunningham, Curtis, Dereen, Edwards, Ervin, Glass, Grayson, Haralson, Hatch, Hewitt, Jones, Martin, Royal, Snodgrass and Wilson—18.

Nays—Messrs. Cooper, Hamilton, Harris, Leftwitch, Little, Parks, Pennington, Terrell and Walton—9.

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WEDNESDAY, December 3, 1872.

The Senate met pursuant to adjournment.

## PRAYER.

Prayer by the Rev. Mr. Gwin of Montgomery.

## ROLL CALL.

Upon the call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Jones, Leftwitch, Little, Martin, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, and Walton, 29.

The Journal of yesterday read and approved.

## JOINT RESOLUTION.

By leave, Mr. Curtis offered joint resolution—

To raise a joint committee to enquire into the irregularities alleged against the department of education by the commissioners appointed by the Governor.

Which joint resolution was read.

Mr. Pennington moved to amend by making the committee "two" on the part of the Senate and "three" on the part of the House.

Which amendment was accepted.

Joint resolution, thus amended, was then adopted.

Thereupon, Mr. President appointed Messrs. Martin and Carmichael committee on the part of the Senate.

## JUDICIARY COMMITTEE.

By leave, Mr. Hamilton, from the Committee on the Judiciary, reported substitute for House bill—

To authorize W. K. Parmer, administrator of the estate of Joseph M. Parmer, deceased, late of Butler county, to sell the lands of said estate at private sale.

The substitute to be entitled, bill—

To authorize judges of probate to order and decree the sale of estates to be made at private sale.

The report was concurred in, and substitute adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, substitute for Senate bills—

To authorize the commissioners' court of Sumter county to settle and liquidate the outstanding fine and forfeiture debt against Sumter county.

To consolidate the fine and forfeiture fund and the general fund of Sumter county.

Substitute to be entitled, bill—

In relation to the finances of Sumter county.

The report was concurred in, and substitute adopted.

The bill reported by the committee was read three times, forthwith, under suspension of the constitutional rule, and

Passed.



Also, from the same committee, favorably, with amendment, to

Senate bill—

To amend section 2537 of the Revised Code of Alabama.

The report was concurred in, and amendment adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably to

Senate bills—

To define and limit the power of judges or other magistrates over fines assessed by juries in criminal cases.

To amend section 3705 of the Revised Code of Alabama.

The reports were concurred in, and

Bills severally read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably, with amendment, to title to Senate bill—

To perfect service in criminal prosecutions against corporations, and to enforce the judgment of the courts therein.

The report was concurred in, and

Amendment adopted.

Bill, as amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

#### SPECIAL ORDER.

At 11 o'clock the special order set for that hour came up, it being

Senate bill—

To provide for the funding of the domestic debt of this State.

Mr. Terrell moved to indefinitely postpone the bill.

Which motion was lost.

Ayes, 2; noes, 30.

Ayes—Messrs. Grayson and Terrell—2.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin,

Miller, Parks, Pennington, Robinson, Royal, Snodgrass,  
Walton and Wilson—30.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 3, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

AN ACT

To repeal an act entitled an act to establish a criminal court for the county of Russell, with criminal and civil jurisdiction, approved February 26, 1872.

And ordered the same forthwith to the Senate without engrossment.

ROBERT BARBER,  
Clerk of House.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }  
STATE OF ALABAMA, }  
Montgomery, December 3, 1873. }

*Mr. President :*

I am instructed by the Governor to communicate to the Senate a message in writing and accompanying document.

Respectfully,

CHARLES J. ATKINSON,  
Recording Secretary.

SPECIAL ORDERS.

At 12 o'clock the special order set for that hour came up, it being  
Joint resolutions—

Proposing amendments to the constitution of Alabama.

Mr. Parks moved to temporarily suspend the consideration of the special order until the bill under consideration was disposed of.

Which motion was carried.

Ayes, 28; noes, 4.

Ayes—Messrs. Black, Carmichael, Cobb, Cunningham, Curtis, Dereen, Driesbach, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—28.

Noes—Messrs. Coleman, Cooper, Edwards and Robinson—4.

#### SECOND SPECIAL ORDER.

The second special order set for 12 o'clock then came up, it being

Report from the Committee on Printing on Senate bill—

To repeal an act entitled an act to authorize the publication of laws of Alabama, approved October 10th, 1868, and an act entitled an act to amend the same, approved December 19th, 1871.

On motion of Mr. Parks—

The consideration of the special order was postponed until the bill under consideration was disposed of.

Mr. Cooper moved to take up and consider the bill section by section.

Mr. Parks then moved to postpone the further consideration of the bill until 11 o'clock to-morrow.

Which latter motion was lost.

Ayes, 7; noes, 23.

Ayes—Messrs. Coleman, Edwards, Grayson, Parks, Robinson, Terrell and Walton—7.

Noes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Pennington, Royal, Snodgrass and Wilson—23.

The motion to take up and consider the bill section by section was then carried.

Mr. Terrell moved to strike out the word "eight" in the 11th line of the first section, and insert in lieu there-

of the word "six," so that the rate of interest on the obligations of the State proposed by the bill to be issued would be six per centum, instead of eight per centum.

On motion of Mr. Wilson—

The amendment was laid upon the table.

Ayes, 23; noes, 6.

Ayes—Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Deree, Driesbach, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Parks, Pennington, Royal, Snodgrass and Wilson—23.

Noes—Messrs. Cobb, Coleman, Edwards, Robinson, Terrell and Walton—6.

Mr. Terrell moved to amend the first section of the bill by striking out all in the twelfth line after the word "annually."

Which amendment was lost.

Mr. Walton moved to amend the first section of the bill by inserting "\$10" between "of" and "\$20" in the fourth line of said section.

Which amendment was adopted.

Mr. Robinson moved to amend the first section of the bill by striking out "\$20, \$50 and \$100" in the fourth line of said section.

On motion of Mr. Hamilton—

The amendment was laid upon the table.

Mr. Grayson moved to amend the first section of the bill by striking out all after the word "State" in the fifteenth line of said section.

On motion of Mr. Martin—

The amendment was laid upon the table.

The first section, as amended, was then adopted.

The second, third, fourth, fifth, sixth and seventh sections were then severally adopted.

Mr. Hewitt moved to amend the eighth section by inserting "Enfaula, Talladega, Birmingham," next after the word "Tuskaloosa" where it occurs in the fifth line of said section.

Which amendment was adopted.

The eighth section, thus amended, was then adopted.

Mr. Hewitt moved to amend the ninth section by striking out the word "January" where it occurs in the 1st line of said section and inserting in lieu thereof the word "February."

Mr. Cooper moved to amend the amendment by inserting "March" in lieu of "February."

The amendment to the amendment was lost.

The amendment was then adopted.

The ninth section, as amended, was then adopted.

On motion of Mr. Cobb—

The tenth section was amended by striking out the word "Jannary" where it occurs in the 3d and 9th lines of said section and inserting in lieu thereof the word "February."

The tenth section, thus amended, was then adopted.

Mr. Little moved to amend the eleventh section by striking out the word "ten" where it occurs in the 1st line of said section and inserting in lieu thereof the word "twenty."

Which amendment was lost.

The eleventh, twelfth, thirteenth and fourteenth sections were then severally adopted.

On motion of Mr. Hamilton—

The fifteenth section was amended by inserting between the fourth and fifth lines of said section the following words, to-wit: "and shall cause all such allowed claims to be filed in his office in the order of their presentation, and in that order shall issue his warrants on the treasurer to the holders of said allowed claims for their payment."

Mr. Terrell moved to strike out all of the fifteenth section from the 1st line to 7th line inclusive.

Which motion was lost.

Section fifteen, as amended, was then adopted.

Sections sixteenth, seventeenth, eighteenth, and nineteenth were then severally adopted.

Mr. Robinson offered the following amendment as section 20 of the bill:

SECTION 20. *Be it further enacted*, That whenever the holder of any warrants or certificates presents the same to be exchanged for the obligations hereinbefore provided he or they shall receive obligations of such denominations as he or they may desire.

On motion of Mr. Pennington—

The amendment was laid on the table.

Yeas 21, nays 11.

Yeas—Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Driesbach, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Miller, Parks, Pennington, Royal and Wilson—21.

Nays—Messrs. Cobb, Coleman, Cooper, Edwards, Grayson, Hewitt, Little, Robinson, Snodgrass, Terrell, and Walton—11.

Section twentieth was then adopted.

On motion of Mr. Pennington—

The bill as a whole was then adopted.

On motion of Mr. Pennington—

The bill was then ordered to a third reading on tomorrow.

Yeas 28, nays 4.

Yeas—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Little, Martin, Miller, Pennington, Royal, Snodgrass, Walton and Wilson—28.

Nays—Messrs. Hewitt, Parks, Robinson and Terrell—4.

#### ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed, bills:

To codify and revise the statute laws of Alabama of a general and public nature.

To amend an act entitled an act to incorporate the National Hotel Company of Selma.

For the relief of Creed Taylor, assignee of John L. Kirby of the county of Marshall.

To create a new voting precinct called Pettusville in the county of Limestone.

To establish an election precinct at Chandler's Spring in the county of Talladega.

To enlarge the powers of sheriffs in Etowah county, as therein shown.

Also—

Joint memorial to the Congress of the United States, asking aid for the development of the Cahaba and Warrior coal fields, and the establishment of a coaling depot on the Gulf of Mexico, near Mobile.

Also—

#### JOINT RESOLUTIONS

Instructing the Senators and requesting the Representatives in Congress from Alabama to urge upon Congress the

passage of a law directing the survey and improvement of the Warrior and Cahaba rivers.

A bill—

To repeal an act entitled an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, so far as it relates to the county of Madison.

#### JOINT RESOLUTIONS

Proposing amendments to the constitution then came up.

Pending which—

On motion of Mr. Walton—

At 2 o'clock and 30 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

Yeas 17, nays 15.

Yeas—Messrs. Black, Cunningham, Curtis, Dereen, Ervin, Glass, Goodloe, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Robinson, Royal, Snodgrass and Walton—17.

Nays—Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Edwards, Grayson, Hamilton, Little, Martin, Miller, Parks, Pennington, Terrell and Wilson—15.

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THURSDAY, December 4, 1873.

The Senate met pursuant to adjournment.

#### PRAYER

By Rev. Mr. Gwin of Montgomery.

#### ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—31.

The Journal of yesterday was read and approved.

GOVERNOR'S MESSAGE.

On motion of Mr. Carmichael—  
The Governor's Message received yesterday was taken up, and read as follows :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, Dec. 3, 1873. }

*Gentlemen of the General Assembly :*

I have the honor to enclose herewith report of Hon. Frank Draxler, as chairman of commissioners from the State of Alabama to the Universal Exposition at Vienna, Austria, 1873.

Your Ob't. Servant,  
DAVID P. LEWIS,  
Governor.

The report was read, and  
On motion of Mr. Martin—  
Ordered to be laid upon the table and one thousand copies printed for the use of the Senate.

COMMUNICATION FROM AUDITOR.

Mr. President laid before the Senate a communication from R. T. Smith, Auditor, which was read for the information of Senators.

CALL OF THE DISTRICTS.

On the call of the Districts the following bills were introduced :

By Mr. Harris—  
To change the line between the counties of Russell and Barbour.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the committee on Municipal and County Organizations.



By Mr. Harris—

For the relief of the estate of Mrs. Raeloth E. McGehee,  
late of Russell county, Alabama.

Which bill was read twice, under suspension of the  
constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Royal—

To amend section 2376 of the Revised Code of Ala-  
bama, so as to make it apply to contracts for tuition for  
children.

By Mr. Royal—

To amend section 3733 of the Revised Code of Ala-  
bama.

By Mr. Haralson, (with petition)—

For the relief of Francis E. Perine, as trustee, &c.

Which bills were severally read twice under suspension  
of the constitutional rule, and

Referred to the Committee on the Judiciary.

By Mr. Black—

To confer additional powers upon the People's Saving  
and Loan Association of Eufaula, Alabama.

By Mr. Haralson, (with petition)—

For the relief of Hamilton White, late tax assessor of  
Dallas county, Alabama.

Which bills were severally read twice, under suspension  
of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Curtis—

To remove the administration of the estate of Thomas  
C. Daniel, deceased, from the county of Autauga to the  
county of Perry.

Which bill was read three times, under suspension of  
the constitutional rule, and

Passed.

#### SPECIAL ORDER.

At eleven o'clock the special order set for that hour  
came up, it being,

Senate bill—

To provide for the funding of the domestic debt of this  
State.

This bill was read a third time.

Mr. Little moved to suspend the consideration of the

special order for the purpose of finishing the call of the districts.

Mr. Robinson moved to suspend the consideration of the special order so that the Committee on Finance and Taxation might report back to the Senate,

Senate bill—

To reduce and regulate the per diem and mileage of the members of the General Assembly.

On motion of Mr. Pennington—

The motion was laid upon the table.

Yeas 22, nays 7.

Yeas—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Harris, Hatch, Jones, Leftwitch, Martin, Miller, Pennington, Royal and Walton—22.

Nays—Messrs. Grayson, Hewitt, Little, Parks, Robinson, Snodgrass and Terrell—7.

#### SPECIAL ORDER.

At twelve o'clock the special order set for that hour came up, it being,  
Senate—

#### JOINT RESOLUTION

Proposing amendments to the constitution.

On motion of Mr. Hamilton, the consideration of the special order was temporarily suspended until the bill under consideration should be disposed of.

Mr. Robinson moved to reconsider the vote last taken.

Which motion was lost.

And Senate resumed consideration of  
Senate bill—

To provide for the funding of the domestic debt of this State.

The question being put: shall the bill pass? it was decided in the affirmative.

Yeas 29, nays 3.

Yeas—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Hatch, Jones, Leftwitch, Little, Martin, Miller,

Parks, Pennington, Royal, Snodgrass, Walton and Wilson—29.

Nays—Messrs. Hewitt, Robinson and Terrell—3.

Mr. Martin moved to reconsider the vote last taken.

Mr. Wilson moved to lay the motion on the table.

And the latter motion was carried.

#### JOINT RESOLUTIONS.

Senate joint resolutions—

Proposing amendments to the constitution, then came up.

On motion of Mr. Wilson—

The further consideration of the joint resolutions was postponed until eleven o'clock A. M. to-morrow, and they were made the special order for that hour.

#### COMMITTEE ON PRINTING.

The report from the Committee on Printing then came up.

Mr. Wilson moved to postpone the same for the purpose of introducing a bill.

Which motion was lost.

Mr. Wilson, at 2 o'clock P. M., moved to adjourn.

Which motion was lost.

Ayes, 5; noes, 24.

Ayes—Messrs. Black, Dercen, Jones, Miller and Wilson—5.

Noes—Messrs. Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Parks, Pennington, Robinson, Royal, Terrell and Walton—24.

Mr. Wilson, from the Committee on Printing, then reported back to the Senate, without recommendation,

Senate bill—

To repeal an act entitled an act to authorize the publication of laws of Alabama, approved Oct. 10th, 1868, and an act entitled an act to amend the same, approved Dec. 19th, 1871.

Mr. Wilson moved to refer the bill to the Committee on Finance and Taxation.

Mr. Parks moved to lay the motion upon the table.

Which latter motion was carried.

Ayes, 23; noes, 4.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hewitt, Leftwich, Little, Martin, Parks, Pennington, Robinson, Terrell and Walton—23.

Noes—Messrs. Black, Dereen, Hatch and Wilson—4.

The bill was then read a third time, forthwith, under a suspension of the constitutional rule, and

Passed.

On motion of Mr. Robinson—

The call of the Districts was resumed, and the following bills were introduced :

By Mr. Hatch—

To authorize the holding of a special term of the circuit court of Hale county for the disposal of business in the county of Hale.

By Mr. Hatch—

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Huntsville, Madison county, Alabama.

By Mr. Little—

To secure mechanics for work and labor done and materials furnished.

By Mr. Dereen—

To amend section 4343 of the Revised Code of Alabama.

By Mr. Hamilton—

To amend section 4173 of the Revised Code.

By Mr. Driesbach—

To create a new chancery district out of the counties of Conecuh and Escambia.

By Mr. Parks—

To tax appellees with the costs of the trial in the court below, in cases which are reversed by the supreme court.

By Mr. Carmichael—

For the protection of creditors.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

By Mr. Hatch—

To lay off the county of Hale into four commissioners districts.

By Mr. Hamilton—

To establish boards of health in the State of Alabama.

By Mr. Hamilton—

To restrict the power of taxation of incorporated cities and towns in certain cases.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

By Mr. Dereen—

To suspend the operation of section 2660 of the Revised Code of Alabama.

By Mr. Dereen—

To provide for the full and complete settlement of the claim of the South and North Alabama Railroad Company upon the State of Alabama, in respect to the three per cent. fund.

By Mr. Robinson—

To repeal an act to amend an act to establish revenue laws for the State of Alabama.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Dereen—

For the relief of Penny Mathews, of Marengo county, Alabama.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Privileges and Elections.

By Mr. Dereen (with petition)—

For the relief of John McClelland, of the county of Marengo, Alabama.

Which bill was read twice, and

Referred to a select committee of three.

By Mr. Walton—

To change the names of Mrs. Carrie M. Groves and her minor son, Warner Groves, to Carrie M. Bailey and Warner Bailey.

Which bill was read twice under suspension of the constitutional rule.

Mr. Carmichael moved to amend so as to change the name of Mrs. Lucy Cassady to Mrs. Lucy McBaine.

Which amendment was adopted.

On motion of Mr. Hamilton—

The bill was then indefinitely postponed.

By Mr. Robinson—

For the relief of the Shapard Hall Female College, at LaFayette, Ala.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Education.

By Mr. Little—

To establish an election precinct at Stonewall, in Sumter county.

By Mr. Dereen—

To amend section one of an act to prohibit the sale of spirituous or vinous liquors within an area of five miles of Stonewall Iron Works, in Cherokee county, in this State.

By Mr. Dereen—

To establish an election precinct at Pike Roads, in Montgomery county.

By Mr. Walton—

To require all persons holding claims against the county of Choctaw to register the same.

By Mr. Carmichael—

To provide weights and measures for the county of Dale.

By Mr. Jones—

To prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors within four miles of the following named churches: Letohatchie Methodist, Tabernacle Methodist, in Montgomery county, six miles northeast of Letohatchie; Steep Creek Baptist Church, three and one-half miles northwest of Letohatchie, in the county of Lowndes.

Which bills were severally read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Hamilton—

Memorial on reciprocal commerce with Spanish-American Colonies.

Which was read, and

Referred to the Committee on Federal Relations.

By Mr. Carmichael—

Joint memorial to the Congress of the United States in relation to homesteads in the State of Alabama.

Which was read and adopted.

## REPORTS FROM STANDING COMMITTEES.

By leave, Mr. Martin, from the Committee on Local Legislation, reported favorably, with amendments, to Senate bill—

To establish an inferior court of record in the town of Decatur, Alabama.

The report was concurred in.

Mr. Little moved to postpone the further consideration of the bill until to-morrow.

Which motion was lost.

The amendments were then adopted, and the bill ordered to a third reading on to-morrow.

By leave, Mr. Harris, from the Judiciary Committee, reported favorably to

Senate bill—

To authorize Mrs. Virginia Owen-Green, wife of Thomas F. Green of the county of Jefferson, to purchase property and to mortgage the same for the security of the unpaid purchase-money.

The report was concurred in, and

Bill read a third time, under suspension of the constitutional rule, and

Passed.

By leave, Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to

Senate bill—

To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

## ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed:

A bill to provide for the funding of the domestic debt of this State.

To amend section 2537 of the Revised Code of Alabama.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
 December 4, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills in which the concurrence of the Senate is requested, to be entitled as follows:

## AN ACT

To provide for assignments of error in fact as well as in law, on all appeals to the supreme court in chancery proceedings.

## AN ACT

To authorize the Secretary of State to employ temporary clerks, and for the payment of certain clerical services heretofore rendered.

ROBERT BARBER,  
 Clerk.

## ADJOURNMENT.

On motion of Mr. Leftwich—  
 At 3 o'clock P. M.,  
 Senate adjourned until 10 o'clock and 15 minutes A.  
 M. to-morrow.

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FRIDAY, December 5, 1873.

The Senate met pursuant to adjournment.

## PRAYER.

Prayer by Rev. Mr. Gwin, of Montgomery.



## ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—33.

The Journal of yesterday read and approved.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 5, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows:

## AN ACT

To amend an act entitled an act to authorize the commissioners court of Conecuh county to levy a special tax, approved December 10th, 1868.

And ordered the same to the Senate forthwith without engrossment.

ROBERT BARBER,  
Clerk.

## CONSIDERATION OF HOUSE MESSAGES.

House bills—

To repeal an act entitled an act to establish a criminal court for the county of Russell, with criminal and civil jurisdiction, approved February 26, 1872.

To enable private corporations incorporated by the laws of this State to surrender their charters, and settle up their corporate affairs.

To establish a new election precinct in the county of Walker.

To amend section two of an act entitled an act to amend an act to authorize the commissioners court of Pike county to collect a tax to pay bridge claims, if in their opinion it is necessary, approved April 15th, 1873.

To authorize and define the compensation of the board of equalization of Pike county.

For the relief of Thomas H. Bailey, of Washington county.

To establish two election precincts in the county of Washington.

Were severally read three times forthwith, under suspension of the constitutional rule, and

Passed.

House bill—

To amend section seven of an act entitled an act to keep in each county of this State a proportionate share of the public school money, approved April 19th, 1873,

Was read twice under suspension of the constitutional rule, and

Referred to the Committee on Education.

House bill—

To authorize Angus McAllister, administrator of the estate A. J. McAllister, deceased, to sell lands belonging to said estate,

Was read twice, under suspension of the constitutional rule.

Pending which, at 11 o'clock—

#### SPECIAL ORDER.

The special order set for that hour came up, it being Senate bill—

To amend section two of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23d, 1873.

Bill was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

#### NOTICE OF RECONSIDERATION.

Mr. Cobb gave notice that he would move a reconsideration of the votes last taken.

## SPECIAL ORDER.

The second special order set for 11 o'clock then came up, it being

Senate joint resolutions—

Proposing amendments to the constitution of the State of Alabama to the electors of the State, to be voted upon at the general election on the Tuesday after the first Monday in November, 1874.

Joint resolutions were read a second time.

Senate then proceeded to the consideration of joint resolutions, amendment by amendment.

Mr. Terrell offered the following amendment :

Amend proposed amendment number one by striking out the words and figures "excepting sections 10, 11, 13 and 14."

On motion of Mr. Coleman—

The amendment was laid upon the table.

Amendment number one was then adopted.

Mr. Robinson offered the following amendment :

Amend amendment number two by adding after the word "practicable" the words, "not to exceed one fifth thereof."

On motion of Mr. Haralson—

The amendment was laid upon the table.

Mr. Cooper moved to reconsider the vote last taken.

Which motion was carried.

The motion to lay upon the table was then lost.

Ayes, 15 ; noes, 15.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Ervin, Glass, Haralson, Hatch, Jones, Loftwich, Martin, Miller, Pennington, Royal and Wilson—15.

Noes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Hewitt, Little, Parks, Robinson, Terrell and Walton—15.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 5, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of

Representatives has adopted the following Senate joint resolution, with amendments, entitled as follows:

To provide for the payment and discharge of the claim held by the Alabama Insane Hospital against the State of Alabama, for the support of the indigent insane for the quarter of the fiscal year ending 30th September, 1873.

ROBERT BARNER,  
Clerk.

On motion of Mr. Martin—

The business before the Senate was temporarily suspended, for the purpose of taking up the House message just received.

#### CONCURRENCE.

The Senate then concurred in the House amendment to Senate joint resolution—

To provide for the payment and discharge of the claim held by the Alabama Insane Hospital against the State of Alabama for the support of the indigent insane for the quarter of the fiscal year ending 30th September, 1873.

Senate then resumed consideration of Senate joint resolutions—

Proposing amendments to the constitution of the State of Alabama to the electors of the State, to be voted upon at the general election on the Tuesday after the first Monday of November, 1874.

The question being on the adoption of Mr. Robinson's amendment,

Mr. Parks moved to suspend the consideration of the joint resolutions, amendment by amendment.

Which motion was carried.

Mr. Curtis, at 2 o'clock and 30 minutes P. M., moved to adjourn.

Which motion was lost.

Ayes, 7; noes, 24.

Ayes—Messrs. Curtis, Haralson, Jones, Leftwich, Martin, Royal and Wilson—7.

Noes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Grayson, Hamilton, Hatch, Hewitt, Little, Miller, Parks, Robinson, Snodgrass, Terrell, and Walton—24.

On motion of Mr. Carmichael—

The amendment was then laid upon the table.

Mr. Terrell offered the following amendment:

Amend fifth proposed amendment by striking it out, and inserting in lieu thereof the following, to-wit:

“Amendment No. 5—Strike out article fourteen.”

On motion of Mr. Cooper—

The amendment was laid upon the table.

Ayes 26, nays 1.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Dereen, Driesbach, Edwards, Ervin, Glass, Grayson, Hamilton, Haralson, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Walton and Wilson—26.

Noes—Mr. Terrell—1.

On motion of Mr. Robinson—

Joint resolutions were ordered to a third reading, and made the special order for 11 o'clock to-morrow.

#### BILLS INTRODUCED.

By leave, the following bills were introduced:

By Mr. Martin—

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

By Mr. Terrell—

To impose a penalty upon any officer of any railroad company or corporation of this State who fail or refuse to pay the taxes assessed against such railroad company or corporation due the State.

By Mr. Cobb—

To extend the jurisdiction of courts of chancery in relation to insolvent estates.

By Mr. Little—

To provide for the taking of the depositions of aged, infirm, or sick witnesses on the part of the State in criminal prosecutions.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to Judiciary Committee.

By Mr. Terrell—

To establish the Alabama Farmer's Union to advance the farmers' interest of the State.

Which bill was read twice under suspension of the constitutional rule.

Mr. Haralson moved to amend by inserting "the Alabama Laborer's Union."

Bill and amendment were then referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 5, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has passed Senate bills, entitled as follows :

AN ACT

To authorize the judge of the seventh judicial circuit to hold a special term of the circuit court for Sumter county for the disposal of unfinished criminal business.

AN ACT

To amend the charter of the Eureka Mining and Transportation Company of Alabama.

ROBERT BARBER,  
Clerk of House.

ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed :

Bills—

To perfect service in criminal prosecutions against corporations.

To provide weights and measures for the county of Dale.

In relation to the finances of Sumter county.

To amend section 3705 of the Revised Code of Alabama.

To define and limit the power of judges or other magistrates over fines assessed by juries in criminal cases.

To establish a voting precinct at Stonewall, in Sumter county, in beat No. 19 of said county.

To remove the administration of Thomas C. Daniel, deceased, from the county of Antauga to the county of Perry.

To prohibit any person from selling, giving away or otherwise disposing of spirituous liquors within four miles of the following named churches: Letohatchie Methodist, Tabernacle Methodist, in Montgomery county, six miles northeast of Letohatchie, Steep Creek Baptist Church, three and one-half miles northwest of Letohatchie, in the county of Lowndes, and Pleasant Valley Methodist Church in said county.

To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871.

To repeal an act entitled an act to authorize the publication of laws of Alabama, approved October 10th, 1868, and an act entitled an act to amend the same, approved December 19th, 1871.

To establish an election precinct at Pike Roads in Montgomery county.

To require all persons holding claims against the county of Choctaw to register the same.

To amend the first section of an act to prohibit the sale of spirituous or vinous liquors within an area of five miles of Stonewall Iron Works, in Cherokee county, in this State.

To authorize Mrs. Virginia Owen Green, wife of Thos. F. Green, of the county of Jefferson to purchase property and to mortgage the same for the security of the unpaid purchase money.

Also—

#### JOINT MEMORIAL

To the Congress of the United States in relation to homesteads in the State of Alabama.

#### ADJOURNMENT.

On motion of Mr. Robinson—

At 2 o'clock and 59 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

Yeas 17, nays 12.

Yeas—Messrs. Black, Carmichael, Cnbb, Cooper, Cun-

ningham, Doster, Driesbach, Ervin, Hamilton, Hatch, Jones, Leftwitch, Little, Martin, Robinson, Walton and Wilson—17.

Nays—Messrs. Coleman, Curtis, Dereen, Edwards, Grayson, Haralson, Hewitt, Martin, Pennington, Royal, Snodgrass and Terrell—12.

SATURDAY, December 6, 1873.

The Senate met pursuant to adjournment.

In the absence of the Lieutenant Governor and the President *pro tempore* of the Senate,

The Secretary called the Senate to order.

On motion of Mr. Pennington—

Mr. Ervin was chosen to preside.

#### PRAYER.

Prayer by Rev. Mr. Gwin of Montgomery.

#### ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Hatch, Hewitt, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—30.

Journal of yesterday was read and approved.

#### BILLS INTRODUCED.

By leave, the following bills were introduced :

By Mr. Cooper—

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of Town Creek Baptist Church in Hackneyville beat, Tallapoosa county, Alabama.

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

Passed.



By Mr. Dereen—

To amend section 87 of "An act to establish revenue laws for the State of Alabama," approved December 31, 1868.

By Mr. Dereen—

To repeal section 93 of "An act to establish revenue laws for the State of Alabama," approved December 31, 1868.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Dereen—

To provide for taking the testimony of railroad depot agents and operators of telegraph lines by depositions in civil cases, by either party, to any suit pending in any of the the courts in the State of Alabama.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

Mr. Coleman called up

Senate bill—

To establish an inferior court of record in the town of Decatur, Alabama.

Bill was read a third time, and

Passed.

Mr. Cobb moved to reconsider the vote last taken.

On motion of Mr. Coleman—

The motion was laid upon the table.

Ayes 17, nays 12.

Ayes—Messrs. Black, Carmichael, Coleman, Curtis, Dereen, Edwards, Ervin, Glass, Goodloe, Grayson, Hatch, Jones, Leftwich, Pennington, Royal, Snodgrass and Wilson—17.

Nays—Messrs. Cobb, Cunningham, Doster, Driesbach, Hamilton, Hewitt, Little, Martin, Parks, Robinson, Terrell and Walton—12.

#### JOINT FINANCE COMMITTEE.

By leave, Mr. Ervin, from Joint Finance Committee, reported bill—

For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

The report was received, and

Bill read twice, under suspension of the constitutional rule.

On motion of Mr. Ervin—

It was ordered that the bill be laid upon the table, and two hundred copies be printed for the use of the two houses, and that it be made the special order for twelve o'clock Monday, and for that hour from day to day until disposed of.

Also, from the same committee, bill—

To authorize executors, administrators, guardians and trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.

The report was received, and

Bill read twice, under suspension of the constitutional rule.

On motion of Mr. Parks--

The further consideration of the bill was postponed until 12 o'clock M. Tuesday next, and it was made the special order for that hour.

#### BILLS INTRODUCED.

By leave, the following bills were introduced :

By Mr. Goodloe—

To amend section 2925 of the Revised Code of Alabama.

By Mr. Pennington—

To allow John C. Todd of Lee county to peddle without a license.

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Pennington—

To authorize Mrs. Ann S. Prince, administratrix of the estate of O. T. Prince, deceased, late of Tuscaloosa county, to sell at private sale enough of the lands of said estate to pay the debts of the estate.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Goodloe—

To regulate the fees of notaries public and justices of the peace for the counties of Colbert, Franklin and Lawrence.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Wilson—

To amend an act entitled an act to re enact and amend an act entitled an act to incorporate the Alabama Savings Bank of Montgomery.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Federal Relations.

#### SPECIAL ORDER.

At 11 o'clock the special order set for that hour came up, it being

Senate joint resolutions—

Proposing amendments to the constitution of the State of Alabama to the electors of the State to be voted upon at the general election on Tuesday after the first Monday of November, 1874.

Joint resolutions were read a third time, and

The question being put—

Shall the joint resolutions pass?

I was decided in the affirmative—Ayes 21, nays 9.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Drisbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Hewitt, Little, Martin, Parks, Pennington, Robinson, Snodgrass, Terrell and Walton—21.

Nays—Messrs. Black, Curtis, Dereen, Glass, Hatch, Jones, Leftwich, Royal and Wilson—9.

Mr. Martin moved to reconsider the vote last taken.

Mr. Robinson moved to lay the motion upon the table, and

The latter motion was carried.

On motion of Mr. Terrell—

The Judiciary Committee reported back to the Senate, Senate bill—

To establish the Alabama Farmers' Union to advance the farmers' interest of the State.

Bill was then referred to a select committee of three, consisting of Messrs. Terrell, Hewitt and Carmichael.

## JUDICIARY COMMITTEE.

By leave, Mr. Hamilton, from the Judiciary Committee, reported favorably to

Senate bills—

To render competent as witnesses certain parties therein named, where suits are brought by the personal representatives of deceased persons.

To amend the corporation laws of Alabama.

To amend section 2963 (2535) of the Revised Code of Alabama.

To better secure the payment of mechanics and others for their labor and materials furnished.

To authorize the holding of a special term of the circuit court of Hale county for the disposal of criminal business in the county of Hale.

The reports were concurred in, and

Bills severally read a third time under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably with amendment to

Senate bill—

To authorize the administrators of the several estates of Thomas Goodwin and John Goodwin, deceased, to settle the partnership transactions of decedents in lands of their estates, and to sell said lands at private sale.

The report was concurred in, and

The amendment adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Title of bill was amended by striking out the words, "and to sell said lands at private sale."

Also, from the same committee, a substitute for Senate bill—

To amend section 2421 of the Revised Code of Alabama.

The report was concurred in, and

Substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, substitute for Senate bill—

To amend section 2373 (1964) of the Revised Code of Alabama.

The report of the committee was concurred in.

The question being put—

Shall the substitute be adopted?

It was decided in the affirmative.

Ayes, 16; noes, 10.

Ayes—Messrs. Black, Carmichael, Coleman, Cunningham, Doster, Driesbach, Edwards, Glass, Grayson, Hamilton, Hewitt, Martin, Parks, Snodgrass, Terrell and Wilson—16.

Noes—Messrs. Cooper, Curtis, Ervin, Hatch, Leftwich, Little, Miller, Pennington, Royal and Walton—10.

The bill was then read a third time forthwith, under suspension of the constitutional rule, and

The question being put—

Shall the bill pass?

It was decided in the affirmative.

Ayes, 17; noes, 10.

Ayes—Messrs. Black, Carmichael, Coleman, Cunningham, Dereen, Doster, Driesbach, Edwards, Glass, Grayson, Hamilton, Hewitt, Martin, Parks Snodgrass, Terrell and Wilson—17.

Noes—Messrs. Cooper, Curtis, Ervin, Hatch, Leftwich, Little, Miller, Pennington, Royal and Walton—10.

#### ENROLLED BILLS.

Mr. Carmichael, from the Committee on Enrolled Bills, reported as correctly enrolled :

#### JOINT RESOLUTION

To provide for the payment and discharge of the claims held by the Alabama Insane Hospital, and the Alabama Institution for the Deaf, and Dumb and the Blind, against the State of Alabama, for the quarter of the fiscal year ending on the 30th September, 1873.

#### AN ACT

To authorize the judge of the seventh judicial circuit to hold a special term of the circuit court for Sumter county for the disposal of unfinished criminal business.

## AN ACT

To amend the charter of the Eureka Mining and Transportation Company of Alabama.

## ENGROSSED BILLS.

Mr. Dereen, from Committee on Engrossed Bills, reported the following bills as correctly engrossed :

Bills—

To establish an inferior court of record in the town of Decatur, Alabama.

To amend section 2925 of the Revised Code of Alabama.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 6, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House bill, entitled as follows :

## AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, intoxicating bitters, or other intoxicating beverages, within three miles of Enon Presbyterian Church in Jefferson county.

And has passed Senate bills, entitled as follows :

## AN ACT

To amend an act entitled an act to incorporate the National Hotel Company of Selma, approved December 7, 1866.

## AN ACT

To prohibit the sale of vinous or spirituous liquors within three miles of "Smith's Camp Ground," located in the county of Choctaw.

## AN ACT

To authorize Oscine D. Rutledge of Choctaw county to redeem certain lands sold for taxes and purchased by the State.

## AN ACT

To extend the time of holding the circuit court of Limestone county.

## AN ACT

For the relief of Thomas A. Jones of Lee county.

## AN ACT

To enlarge the powers of sheriffs in Etowah county, as therein shown.

## AN ACT

Declaring the lands of Mitchell Davis of Cherokee county, which are divided by the line dividing the counties of Cherokee and Etowah, to be deemed and held as being in Cherokee county.

## AN ACT

To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs Church, Cane Creek Church, Oak Bowery Church, Mount Zion Church and Hebron Church, in Calhoun county, and Blue Eye, Refuge, Patton's Chapel Church, Bethel Church, Forest Hill Church and the Colored People's Church, (near Forest Hill) in Talladega county, Alabama.

## AN ACT

To amend section 3 of an act to confer civil jurisdiction upon the city court of Mobile, approved February 13, 1872.

## AN ACT

To establish an election precinct at Chandler's Spring in the county of Talladega.

## AN ACT

To repeal an act entitled "an act to amend an act to incorporate the Sepulgah River Manufacturing Company," approved December 31, 1868.

## AN ACT

For the relief of Creed Taylor, assignee of John L. Kirby of the county of Marshall.

## AN ACT

To amend section 3470 of the Revised Code.

## AN ACT

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same relates to the counties of Jefferson and Walker.

Also, amended and adopted, Senate—

## JOINT RESOLUTION,

To raise a joint committee to inspect the Alabama State Penitentiary and other places of confinement of convicts and to enquire into the treatment of the same.

ROBERT BARBER,  
Clerk.

## ADJOURNMENT.

On motion of Mr. Little—

At 1 o'clock and 30 minutes P. M.,

The Senate adjourned until 12 o'clock M. Monday.



MONDAY, December 8, 1873.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by the Rev. Mr. Jones of Montgomery.

ROLL CALL.

Upon the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Hatch, Hewitt, Jones, Leftwitch, Little, Miller, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton, and Wilson.

The Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Leaves of absence for one day was granted Messrs. Parks, Haralson and Harris.

SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being

Senate bill—

For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

On motion of Mr. Cobb—

The further consideration of the bill was postponed until 11 o'clock A. M. to-morrow, and it was made the special order for that hour, and for that hour from day to day until disposed of.

CONCURRENCE.

On motion of Mr. Dereen—

Senate concurred in House amendment to Senate

## JOINT RESOLUTION,

To raise a joint committee to inspect the Alabama State Penitentiary and other places of confinement of convicts, and to enquire into the treatment of the same.

Thereupon Mr. President appointed Messrs. Haralson and Dereen committee on the part of the Senate.

## CALL OF THE DISTRICTS.

On a call of the districts the following bills were introduced :

By Mr. Coleman—

For the relief of Elmira Myers, wife of Henry H. Myers, of Limestone county, Alabama.

By Mr. Grayson—

To repeal an act to authorize the court of county commissioners of Madison county to pay for fuel used in the offices of judge of probate, sheriff and clerk of circuit court of said county.

By Mr. Snodgrass—

To authorize the commissioners' court of Marshall county to allow certain claims against said county.

By Mr. Snodgrass—

To amend section two of an act entitled an act to incorporate the town of Guntersville in the county of Marshall.

By Mr. Snodgrass—

To pay for the guarding of John Levy, a prisoner, of DeKalb county.

By Mr. Terrell—

To authorize the court of county commissioners for the county of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company or others holding the bonds of said county heretofore issued by said county to the said Savannah and Memphis Railroad Company.

By Mr. Jones—

To establish an election precinct in the county of Lowndes, to be known as Calhoun.

By Mr. Leftwitch—

To repeal an act entitled an act to amend section one of an act entitled an act to regulate the enclosure of stock in a portion of the county of Greene therein described, approved February 14, 1872.

By Mr. Miller—

To provide for the payment of claims against the "fines and forfeiture fund" of Butler county.

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Hamilton—

To fix the time of election for judges of the supreme court, circuit court and chancellors.

By Mr. Coleman—

To make the uncorrobrated testimony of an accomplice in misdemeanors sufficient to convict.

By Mr. Coleman—

To render certain witnesses competent in trials for misdemeanors.

By Mr. Edwards—

To require the county solicitors in this State to attend upon the county courts.

By Mr. Edwards—

To create the eleventh chancery district of the northern chancery division.

By Mr. Hewitt—

To authorize the purcasers, and their assigns, of the railroad, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company and to exercise the corporate rights, franchises and privileges of the said Company under that name as to the railroad east of the west bank of the Mississippi river.

By Mr. Cobb—

To establish certain fees for justices of the peace and notaries public in Perry county, and to provide for the payment of the same.

By Mr. Terrell—

To allow solicitors additional fees in certain criminal cases other than those now allowed by law.

By Mr. Black—

To repeal an act entitled "an act to establish the city court of Eufaula," approved February 14, 1870.

By Mr. Walton—

To authorize Mrs. Rogers, widow of Clement C. Rogers, of Choctaw county to sell certain lands therein named.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

By Mr. Goodloe—

For the relief of the people of Montgomery county.

Which bill was read a first time.

Mr. Wilson moved to lay the bill upon the table, which motion was lost.

Mr. Wilson moved to indefinitely postpone the bill.

On motion of Mr. Goodloe—

The motion was laid upon the table.

Yeas 18, nays 9.

Yeas—Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Hatch, Hewitt, Little, Robinson, Snodgrass, Terrell and Walton—18.

Nays—Messrs. Black, Cooper, Curtis, Doster, Jones, Leftwich, Miller, Royal and Wilson—9.

On motion of Mr. Robinson—

The bill was ordered to a third reading on to-morrow, and made the special order for 12 o'clock M.

Ayes, 15; noes, 10.

Ayes—Messrs. Cobb, Coleman, Cunningham, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Hewitt, Little, Robinson, Snodgrass, Terrell and Walton—15.

Noes—Messrs. Black, Cooper, Curtis, Doster, Hatch, Jones, Leftwich, Miller, Royal and Wilson—10.

By Mr. Edwards—

To incorporate the town of Cullinan, in the county of Blount.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to a select committee of five.

By Mr. Cooper—

To amend an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867.

By Mr. Edwards—

To repeal an act approved December 16th, 1871, to prohibit the sale of spirituous, vinous or malt liquors in the town of Somerville, Morgan county, and within three miles thereof.

By Mr. Miller—

To incorporate the town of Garland, in the county of Butler.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

By Mr. Edwards—

To amend an act entitled an act to amend section 962 of the Revised Code of Alabama, and for other purposes.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Education.

By Mr. Robinson—

To prohibit the sale, hartering, or otherwise disposing of spirituous, vinous, or malt liquors within three miles of Milltown, at Milltown, and within three miles of Mt. Zion Church, near Adams' Cross Roads, all in Chambers county.

By Mr. Doster--

To amend section one of an act entitled an act to prohibit the sale of ardent spirits within two miles of Bethel Church, in Winston county, and within two miles of the Methodist Church at Robinson's Springs, Elmore county, approved April 23d, 1873.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Walton—

Authorizing the Superintendent of Public Instruction to compromise the liabilities of the sureties on the official bond of Wm. J. Gilmore, late Superintendent of Public Instruction in Choctaw county.

Which bill was read twice under suspension of the constitutional rule, and

Referred to a select committee of three.

By Mr. Snodgrass—

To authorize the Governor of Alabama to endorse certain railroad bonds substituted for bonds which were lost or destroyed.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Hewitt—

To authorize and require the State Auditor to draw his warrant on the State Treasurer for one hundred and fifty dollars in favor of Daniel Wait, for arresting an escaped convict.

Which bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Hewitt—  
 Bill was amended by inserting "and G. H. Ball" after  
 "Wait" in the body and title of the bill.  
 Bill, thus amended, was  
 Referred to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
 December 8, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

## AN ACT

To incorporate the town of Courtland, in the county of Lawrence.

## AN ACT

To provide for the support of the Freedmen's Hospital, near Talladega, Alabama.

## AN ACT

To establish revenue laws for the State of Alabama.

## AN ACT

To incorporate the town of Brewton, in the county of Escambia.

And ordered the same forthwith to the Senate without engrossment.

Also, amended caption and passed Senate bill, entitled

## AN ACT

To prevent judges of the circuit, criminal and city courts from holding any other office during their respective terms of office.

Also, passed without amendment, Senate bills, entitled as follows :

## AN ACT

To fix the terms of office of certain municipal officers in the city of Mobile.

## AN ACT

To prohibit the sale or giving away of spirituous, vinous or malt liquors within two and a half miles of Dudleyville Academy, in the county of Tallapoosa.

And has also amended and adopted Senate

## JOINT RESOLUTION

To raise a joint committee to enquire into the irregularities alleged against the Department of Education, by the commissioners appointed by the Governor.

ROBERT BARBER,  
Clerk of House.

## HOUSE BILL.

Mr. Pennington called up  
House bill—

To establish revenue laws for the State of Alabama.

Bill was read twice under suspension of the constitutional rule, and

Made the special order for 12 o'clock, Wednesday next, and ordered that two hundred copies be printed for the use of the Senate.

## EDUCATION.

By leave, Mr. Terrell, from the Committee on Education, reported favorably to

Senate bill—

For the relief of Shapard Hall Female College, at La-Fayette, Alabama.

The report was concurred in, and

Bill read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

## FINANCE AND TAXATION.

By leave, Mr. Ervin, from the Committee on Finance and Taxation, reported back

Senate bill—

To suspend the operation of section 2680 of the Revised Code of Alabama.

Bill was then referred to the Judiciary Committee.

Also, from the same committee, reported back

Senate bill—

To confer additional powers upon the "People's Saving and Loan Association" of Eufaula, Alabama.

Bill was then referred to the Committee on Federal Relations.

## HOUSE BILL.

Mr. Ervin called up

House bill—

To incorporate the town of Courtland in the county of Lawrence.

Bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

## RESOLUTION.

Mr. Cooper offered the following resolution, which was read and adopted:

*Resolved*, That Miss Lockett, who is a native artist of Alabama, may be permitted to have suspended a portrait of the late Ex-Governor A. B. Moore of Alabama, deceased, in the Senate Chamber for exhibition as evidence of her skill as an artist.

## MESSAGE FROM THE GOVERNOR,

By Mr. C. J. Atkinson, his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, December 8, 1873. }

*Gentlemen of the General Assembly:*

I have the honor to call your attention to the accom-



panying communication of the Attorney-General. The importance of the subject will commend itself to your consideration.

I have the honor to be

Your obedient servant,

DAVID P. LEWIS,

Governor.

#### THE ATTORNEY-GENERAL'S COMMUNICATION.

The communication of the Attorney-General was read, as follows :

EXECUTIVE DEPARTMENT, }  
STATE OF ALABAMA, }  
Montgomery, December 8, 1873. }

*To His Excellency,*

D. P. LEWIS,

*Governor of Alabama :*

Sir—I beg leave most respectfully to call the attention of your Excellency to the second section of the act of the last Congress, entitled “An act for the apportionment of Representatives to Congress among the several States according to the ninth census,” approved February 2, 1872. Said section is as follows:

“Section 2. That in each State, entitled under this law to more than one Representative, the number to which said State may be entitled in the forty-third and each subsequent Congress, shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which said State may be entitled in Congress, no one district electing more than one Representative; *Provided*, That in the election to the forty-third Congress, in any State which by this law is given an increased number of Representatives, the additional Representative or Representatives allowed to such State may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in said State, unless the Legislature of said State shall otherwise provide before the time fixed by law for the election of Representatives therein.”

You will perceive that Representatives in Congress must be elected by districts, and that the provision to elect for the State at large applies only to the election to the present Congress in those States in which there was an increased representation under the last apportionment.

It follows, therefore, that unless the General Assembly at its present session shall district the State under the last apportionment, Alabama will be deprived of two Representatives in the forty-third Congress.

Very respectfully,

Your obedient servant,

BENJ. GARDNER,

Attorney-General.

#### REPORTS FROM STANDING COMMITTEES.

By leave, Mr. Hamilton, from the Committee on the Judiciary, reported substitute for Senate bill—

To fix the time of the commencement and ending of the term of office of the several tax collectors in this State.

And the amendment to the same,

The substitute to be entitled, bill—

Relating to the term of office of the several tax collectors of this State.

The report was concurred in, and substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### FINANCE AND TAXATION.

Mr. Ervin, from the Committee on Finance and Taxation, reported favorably to Senate—

#### JOINT RESOLUTION,

For the relief of Lonis Hobart, agent for Mr. S. Hobart.

The report was concurred in, and joint resolution read a third time, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably to

Senate bill—

To economize in the public printing, and to repeal section 123 of the Revised Code.

The report was concurred in, and bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably to

House bill—

To provide for increasing the pay of the members of the court of county commissioners of Perry county.

The report was concurred in, and bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from same committee, a substitute for

Senate bill—

To induce investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad Company's bonds and stock, and thereby to aid in the developing and utilizing of mineral resources of the State.

The report was concurred in, and the substitute adopted.

Pending which,

Mr. Leftwich moved to adjourn until 10 o'clock and 15 minutes A. M. to-morrow.

Which motion was lost.

Yeas 12, nays 13.

Yeas—Messrs. Carmichael, Cobb, Cunningham, Doster, Driesbach, Glass, Hamilton, Jones, Leftwich, Little, Robinson and Royal—12.

Nays—Messrs. Coleman, Cooper, Curtis, Edwards, Ervin, Goodloe, Grayson, Hatch, Hewitt, Miller, Pennington, Snodgrass and Walton—13.

Bill was then read a third time, under suspension of the constitutional rule.

And the question being put,

Shall the bill pass?

It was decided in the affirmative.

Yeas 14, nays 11.

Yeas—Messrs. Cunningham, Curtis, Doster, Edwards, Ervin, Glass, Goodloe, Hatch, Hewitt, Jones, Miller, Pennington, Snodgrass and Walton—14.

Nays—Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Grayson, Hamilton, Leftwich, Little, Robinson and Royal—11.

## CONCURRENCE.

On motion of Mr. Pennington—  
Senate concurred in House amendment to  
Senate—

## JOINT RESOLUTION,

To raise a joint committee to enquire into the irregularities alleged against the department of education by the commissioners appointed by the Governor.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
December 8, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill in which the concurrence of the Senate is requested, to be entitled as follows:

## AN ACT

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit.

Also, has adopted, the following

## JOINT RESOLUTIONS,

Providing for the employment and pay of a messenger for the Judiciary Committee of the House.

Ordering the printing, distribution and preservation of certain Journals therein mentioned.

ROBERT BARBER,  
Clerk.

## MESSAGE FROM THE GOVERNOR.

By Mr. Chas. J. Atkinson, his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, {  
Montgomery, December 8, 1873. }

*Gentlemen of the General Assembly :*

I have the honor to transmit herewith to you a resolution of the Board of Education respecting the election of members of the Board of Education, except the Superintendent, and respectfully call your attention to the same.

I have the honor to be,  
Your obedient servant,  
DAVID P. LEWIS,  
Governor.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, {  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 8, 1873. }

*Mr. President :*

I am directed by the Governor to inform the Senate that on the 6th inst. he approved the following bills which originated in the Senate:

#### AN ACT

To amend the charter of the Eureka Mining and Transportation Company of Alabama.

#### AN ACT

To authorize the judge of the seventh judicial circuit to hold a special term of the circuit court for Sumter county for the disposal of unfinished criminal business.

Also, the following resolution—

To provide for the payment and discharge of the claims held by the Alabama Insane Hospital, and the Alabama Institution for the Deaf, and Dumb and the

Blind, against the State of Alabama, for the quarter of the fiscal year ending on the 30th September, 1873.

Respectfully,  
CHARLES J. ATKINSON,  
Recording Secretary.

#### ENROLLED BILLS.

Mr. Carmichael, from the Committee on Enrolled Bills, reported as correctly enrolled :

#### AN ACT

To amend section 3470 of the Revised Code.

#### AN ACT

To extend the time of holding the circuit court of Limestone county.

#### AN ACT

To repeal an act entitled "an act to amend an act to incorporate the Sepulgah River Manufacturing Company, of Conecuh county," approved December 31, 1868.

#### AN ACT

Declaring the lands of Mitchell Davis of Cherokee county, which are divided by the line dividing the counties of Cherokee and Etowah, to be deemed and held as being in Cherokee county.

#### AN ACT

To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs Church, Cane Creek Church, Oak Bowery Church, Mount Zion Church and Hebron Church, in Calhoun county, and Blue Eye Church, Refuge Church, Patton's Chapel Church, Bethel Church, Forest Hill Church and the Colored People's Church, (near Forest Hill) in Talladega county, Alabama.

## AN ACT

For the relief of Thomas A. Jones of Lee county.

## AN ACT

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same relates to the counties of Jefferson and Walker.

## AN ACT

To establish an election precinct at Chandler's Spring in the county of Talladega.

## AN ACT

To amend section 3 of an act to confer civil jurisdiction upon the city court of Mobile, approved February 13, 1872.

## AN ACT

To authorize Orcine D. Rutledge of Choctaw county to redeem certain lands sold for taxes and purchased by the State.

## AN ACT

To enlarge the powers of sheriffs in Etowah county, as therein shown.

## AN ACT

To prohibit the sale of vinous or spirituous liquors within three miles of "Smith's Camp Ground," located in the county of Choctaw.

## AN ACT

For the relief of Creed Taylor, assignee of John L. Kirby of the county of Marshall.

## ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed :

## JOINT RESOLUTION

Proposing amendments to the constitution of the State of Alabama, to be voted upon at the general election on the Tuesday after the first Monday in November, 1874.

## SELECT COMMITTEE.

By leave, Mr. Jones, from select committee, reported favorably to

Senate bill—

To authorize the legal voters of certain beats in Lowndes county to decide upon the continuance of an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Ala., approved Dec. 31, 1868.

Mr. Little, from same committee, made a minority report adversely to said bill.

Pending the consideration of which,

On motion of Mr. Leftwich—

At 2 o'clock and 59 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

---

TUESDAY, December 9, 1873.

The Senate met pursuant to adjournment.

## PRAYER

By Rev. Mr. Jones of Montgomery.

## ROLL CALL.

Upon a call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Ed-



wards, Ervin, Glass, Goodloe, Grayson, Hamilton, Har-  
 alson, Harris, Hatch, Hewitt, Jones, Leftwich, Little,  
 Miller, Parks, Pennington, Robinson, Royal, Snodgrass,  
 Terrell, Walton and Wilson—32.

Journal of yesterday was read and approved.

#### LEAVE OF ABSENCE.

Leave of absence, on account of sickness, was granted  
 Mr. Martin.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
 December 9, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of  
 Representatives has originated and passed a bill, in which  
 the concurrence of the Senate is requested, to be entitled  
 as follows:

#### AN ACT

To amend section 652 of the Revised Code of Ala-  
 bama, so far as it relates to the county of Choctaw.

ROBERT BARBER,  
 Clerk of the House.

#### CONSIDERATION OF HOUSE MESSAGES.

House bill—

To authorize Angus McAllister, administrator of the  
 estate A. J. McAllister, deceased, to sell lands belonging  
 to said estate,

Was read a third time, forthwith, under suspension of  
 the constitutional rule, and

Passed.

House bills—

To authorize the Secretary of State to employ temporary  
 clerks, and for the payment of certain clerical services  
 heretofore rendered.

To amend an act entitled an act to prevent the sale of liquor within a mile of Choccolocco Bridge, on Truss' Ferry Road, in Talladega county, approved January 27, 1872.

To amend an act entitled an act to authorize the commissioners court of Conecuh county to levy a special tax, approved December 10th, 1868,

Were severally read three times, forthwith, under suspension of the constitutional rule, and

Passed.

#### SPECIAL ORDER.

At 11 o'clock the special order set for that hour came up, it being

Senate bill—

For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

On motion of Mr. Cobb—

The further consideration of the bill was postponed until 11 o'clock to-morrow.

House bill—

To provide for assignments of error in fact as well as in law, on all appeals to the supreme court in chancery proceedings.

Was read twice, under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

House bill—

To provide for the support of the Freedman's Hospital, located near the city of Talladega,

Was read twice under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

House bill—

To incorporate the town of Brewton, in the county of Escambia,

Was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Municipal and County Organizations.

House joint resolution—

Ordering the printing, distribution and preservation of certain journals therein mentioned,

Was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

House joint resolution—

Providing for the employment and pay of a messenger for the Judiciary Committee of the House,

Was read three times, forthwith, under suspension of the constitutional rule, and

The question being put—

Shall the joint resolution pass?

It was decided in the affirmative.

Ayes, 15; noes, 14.

Ayes—Messrs. Black, Curtis, Dereen, Goodloe, Hamilton, Harris, Hatch, Jones, Leftwich, Miller, Pennington, Royal, Terrell and Wilson—15.

Nays—Messrs. Carmichael, Coleman, Cooper, Doster, Driesbach, Edwards, Ervin, Grayson, Hewitt, Little, Parks, Robinson, Snodgrass and Walton—14.

#### NOTICE OF RECONSIDERATION.

Mr. Terrell gave notice that he would move to reconsider the vote last taken.

House bills—

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit.

To amend section six hundred and fifty-two (652) of the Revised Code of Alabama, so far as it relates to the county of Choctaw.

Were severally read three times forthwith, under suspension of the constitutional rule, and

Passed.

#### CONCURRENCE.

Senate concurred in the House amendment to Senate bill—

For the relief of the judges of Alabama.

#### BILLS INTRODUCED.

By leave, the following bills were introduced:

By Mr. Hamilton—

To provide for the publication of the school laws of this State.

By Mr. Hewitt—

To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars, for certain purposes therein named.

Which bills were severally read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Black—

To equalize and provide for the payment of the claims against the fine and forfeiture fund of Barbour county.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Little—

To amend section 2377 of the Revised Code of Alabama.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on the Judiciary.

By Mr. Edwards—

To empower the courts of county commissioners of the several counties to authorize the erection of gates on public roads in certain cases.

Which bill was read twice, under suspension of the constitutional rule.

Mr. Carmichael moved to indefinitely postpone the bill.

Pending which,

#### SPECIAL ORDER.

At twelve o'clock the special order set for that hour came up, it being,

Senate bill—

To authorize executors, administrators, guardians and trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.

Bill was read a third time, forthwith, under suspension of the constitutional rule, and

The question being put: shall the bill pass? it was decided in the affirmative.

Yeas 18, nays 11.

Ayes—Messrs. Black, Carmichael, Coleman, Dereen, Doster, Driesbach, Edwards, Ervin, Goodloe, Hamilton,

Haralson, Harris, Hatch, Jones, Pennington, Royal, Walton and Wilson—18.

Nays—Messrs. Cooper, Cunningham, Curtis, Grayson, Hewitt, Leftwich, Little, Parks, Robinson, Snodgrass and Terrell—11.

#### SECOND SPECIAL ORDER.

The second special order set for 12 o'clock then came up, it being

Senate bill—

For the relief of the people of Montgomery county.

Bill was read a second time.

Mr. Wilson moved to amend—

By striking out the word "county," after the word "Montgomery," and inserting "Franklin, Lawrence and Colbert counties."

On motion of Mr. Pennington—

Bill and amendment were indefinitely postponed.

#### JUDICIARY COMMITTEE.

By leave, Mr. Hamilton, from the Committee on the Judiciary, reported favorably to

Senate bill—

To authorize the purchasers and their assigns of the railroads, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company, and to exercise the corporate rights, franchises and privileges of the said company under that name, as to the railroad east of the west bank of the Mississippi river.

The report was concurred in, and

Bill read a third time, under suspension of the constitutional rule, and

Passed.

#### JOINT FINANCE COMMITTEE.

Mr. Ervin, from the Joint Finance Committee, reported bill—

To provide for the support of the common schools of this State for the current year.

Bill was read three times forthwith, under suspension of the constitutional rule, and

The question being put,

Shall the bill pass?

It was decided in the affirmative—Ayes 22, nays 4.

Ayes—Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Driesbach, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Little, Miller, Parks, Robinson, Royal, Snodgrass, Walton and Wilson—22.

Nays—Messrs. Doster, Glass, Hewitt and Terrell—4.

#### . FINANCE AND TAXATION.

Mr. Ervin, from the Committee on Finance and Taxation, reported adversely to

House joint resolution—

To provide additional per diem to journal and recording clerks of this House.

Which adverse report was concurred in.

Ayes, 17; noes, 10.

Ayes—Messrs. Carmichael, Coleman, Cunningham, Curtis, Driesbach, Edwards, Ervin, Grayson, Hamilton, Harris, Hewitt, Little, Parks, Robinson, Snodgrass, Terrell and Walton—17.

Noes—Messrs. Black, Dereen, Doster, Glass, Hatch, Jones, Miller, Pennington, Royal and Wilson—10.

Also, from the same committee, favorably to

Senate bill—

To authorize the commissioners court of Choctaw county to increase the pay of the sheriff of said county for *ex-officio* services, and be made a preferred claim against the county treasury.

The report of the committee was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### GOVERNOR'S MESSAGE.

Mr. Ervin called up the Governor's message transmitting a resolution of the Board of Education respecting the election of members of the Board of Education, except the Superintendent.

The message and accompanying resolution were read,  
and  
Referred to the Judiciary Committee.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 9, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

AN ACT

To fix the time of holding the chancery courts for the county of Cleburne.

AN ACT

To authorize the commissioners court of Wilcox county to make all claims against said county preferred claims, when they have been incurred for the comfort and health of prisoners confined in the county jail.

AN ACT

For the relief of Giles Kelley, of Coosa county.

AN ACT

To allow compensation to the tax assessor for making the copy of the book of assessment required by law.

AN ACT

For the relief of W. C. Whitherington, late tax collector of Greene county.

And has also passed, without amendment, Senate bills, entitled as follows :

## AN ACT

To provide for the payment of the debt of Butler county.

## AN ACT

To prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors within four miles of the following named churches: Letohatchie Methodist, Tabernacle Methodist, in Montgomery county, six miles northeast of Letohatchie; Steep Creek Baptist Church, three and one-half miles northwest of Letohatchie, in the county of Lowndes, and Pleasant Valley Methodist Church, in said county.

ROBERT BARBER,  
Clerk of House.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }  
STATE OF ALABAMA, }  
Montgomery, December 9, 1873. }

*Mr. President:*

I am instructed by the Governor to communicate to the Senate a message in writing with accompanying bill.  
Respectfully,

CHARLES J. ATKINSON,  
Recording Secretary.

Mr. Ervin, from the Committee on Finance and Taxation, reported substitute for  
Senate bill—

In relation to the fees of sheriffs for victualling prisoners in jail.

The report was concurred in, and  
Substitute adopted.

Mr. Cooper moved to amend by striking out "forty" and inserting "thirty."

Mr. Wilson moved to amend the amendment as follows:



"Except in Mobile and Montgomery counties, where fifty cents shall be allowed."

Mr. Hamilton moved to postpone the further consideration of the bill and amendments until the Committee on Municipal and County Organizations could have an opportunity to report upon a bill now before it upon the same subject.

Which motion was lost.

Mr. Robinson moved to lay the amendments upon the table.

Pending which,

At 2 o'clock and 7 minutes P. M.,

Mr. Wilson moved to adjourn

Which latter motion was lost.

Ayes 5, noes 22.

Ayes—Messrs. Black, Cunningham, Jones, Miller and Wilson—5.

Noes—Messrs. Carmichael, Coleman, Cooper, Curtis, Doster, Driesbach, Edwards, Glass, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Leftwich, Little, Parks, Pennington, Robinson, Snodgrass, Terrell and Walton—22.

The question recurring upon the motion to lay upon the table,

The amendment were laid upon the table.

Mr. Hewitt moved to reconsider the vote by which the substitute reported by the committee was adopted.

Which motion was lost.

Mr. Wilson moved to recommit the bill.

Which motion was lost.

Mr. Black offered the following amendment:

*Provided*, That the commissioners' court of Barbour county shall have power to grant additional fees if in their judgment it is necessary.

On motion of Mr. Little—

The amendment was laid upon the table.

Mr. Pennington offered the following amendment:

*Provided*, That the provisions of this act shall not apply to the county of Lee.

Mr. Black moved to amend the amendment by adding "and the county of Barbour."

On motion of Mr. Terrell—

The amendment and the amendment to the amendment were laid upon the table.

Yeas 21, nays 7.

Yeas—Messrs. Carmichael, Coleman, Cooper, Curtis, Doster, Driesbach, Edwards, Ervin, Glass, Grayson, Haralson, Harris, Hewitt, Little, Miller, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—21.

Nays—Messrs. Black, Hamilton, Hatch, Jones, Leftwich, Pennington and Wilson—7.

Mr. Black moved to indefinitely postpone the bill.

Which motion was lost.

Mr. Jones, at 2 o'clock and 20 minutes P. M. moved to adjourn.

Which motion was lost.

Mr. Haralson moved to amend by striking out "State" and inserting "counties."

Mr. Hewitt offered the following amendment to the amendment,

Which was accepted.

Strike out "as provided by law" and insert "by the counties as all other claims are now paid against the counties."

Mr. Wilson, at 2 o'clock and 25 minutes P. M. moved to adjourn.

Which motion was lost.

The question recurring upon the adoption of the amendment as amended,

It was lost.

Yeas 11, nays 18.

Yeas—Messrs. Carmichael, Coleman, Cunningham, Edwards, Haralson, Hewitt, Leftwich, Little, Miller, Royal and Snodgrass—11.

Nays—Messrs. Black, Cooper, Curtis, Doster, Driesbach, Ervin, Glass, Goodloe, Grayson, Hamilton, Harris, Hatch, Jones, Parks, Robinson, Terrell, Walton and Wilson—18.

Mr. Hewitt moved to amend by striking out "forty" where it occurs in the bill and inserting "thirty-three and one-third."

Which motion was lost.

Bill was then read a third time forthwith, under suspension of the constitution rule.

And the question being put,

Shall the bill pass?

It was decided in the affirmative.

Yeas 23, nays 6.

Yeas—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin,

Glass, Goodloe, Grayson, Harris, Hatch, Hewitt, Jones, Little, Parks, Robinson, Royal, Terrell and Walton—23.

Nays—Messrs. Hamilton, Haralson, Leftwich, Miller, Snodgrass and Wilson—6.

On motion of Mr. Goodloe—

Mr. Hamilton, from the Judiciary Committee, reported back,

Senate bill—

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Huntsville, Madison county, Alabama.

Bill was then referred to the Committee on Finance and Taxation.

#### JOINT RESOLUTION WITHDRAWN.

By leave, Mr. Terrell withdrew

Senate joint resolution—

Authorizing the Auditor to draw his warrant in favor of Patrick Doran for services rendered by him as Door-keeper of the Senate from 13th to 31st January, 1873.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 7, 1873. }

*Mr. President:*

I am directed by the Governor to inform the Senate that he has this day approved the following bills which originated in the Senate:

#### AN ACT

To prohibit the sale of vinous or spirituous liquors within three miles of "Smith's Camp Ground," located in the county of Choctaw.

#### AN ACT

To extend the time of holding the circuit court of Limestone county.

## AN ACT

To amend section 3 of an act to confer civil jurisdiction upon the city court of Mobile, approved February 13, 1872.

## AN ACT

For the relief of Creed Taylor, assignee of John L. Kirby of the county of Marshall.

## AN ACT

To amend section 3470 of the Revised Code.

## AN ACT

To authorize Orcine D. Rutledge of Choctaw county to redeem certain lands sold for taxes and purchased by the State.

## AN ACT

For the relief of Thomas A. Jones of Lee county.

## AN ACT

To repeal an act entitled "an act to amend an act to incorporate the Sepulgah River Manufacturing Company, of Conecuh county," approved December 31, 1868.

## AN ACT

To establish an election precinct at Chandler's Spring in the county of Talladega.

## AN ACT

To enlarge the powers of sheriffs in Etowah county, as therein shown.

## AN ACT

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, DeKalb, Cleburne, Marshall, Winston, Franklin,

Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same relates to the counties of Jefferson and Walker.

#### AN ACT

To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs Church, Cane Creek Church, Oak Bowery Church, Mount Zion Church and Hebron Church, in Calhoun county, and Blue Eye Church, Refuge Church, Patton's Chapel Church, Bethel Church, Forest Hill Church and the Colored People's Church, (near Forest Hill) in Talladega county, Alabama.

Also, the following

#### JOINT RESOLUTION,

To raise a joint committee to inspect the Alabama State Penitentiary and other places of confinement of convicts and to enquire into the treatment of the same.

Respectfully,

CHAS. J. ATKINSON,  
Recording Secretary.

#### ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed:

Bills—

To amend section 2373 (1984) of the Revised Code of Alabama.

To amend section two of an act entitled an act to incorporate the town of Guntersville in the county of Marshall.

Relating to the term of office of the several tax collectors in this State.

For the relief of Elmira Myers, wife of Henry H. Myers, of Limestone county, Alabama.

To amend section 2421 of the Revised Code of Alabama.

To allow John C. Todd of Lee county to peddle without a license.

To render competent as witnesses certain parties therein named where suits are brought by the personal representatives of deceased persons.

To better secure the payment of mechanics and others for their labor and materials furnished.

To provide for the payment of claims against the "fines and forfeiture fund" of Butler county.

For the relief of the Shapard Hall Female College, at LaFayette, Ala.

To amend section 2963 (2535) of the Revised Code of Alabama.

To pay for the guarding of John Long, a prisoner of DeKalb county.

To authorize the commissioners' court of Marshall county to allow certain claims against said county.

To repeal an act to authorize the court of county commissioners of Madison county to pay for fuel used in the offices of judge of probate, sheriff and clerk of circuit court of said county.

To establish an election precinct in the county of Lowndes, to be known as Calhoun.

To repeal an act entitled an act to amend section one of an act entitled an act to regulate the enclosure of stock in a portion of the county of Greene therein described.

To authorize the administrators of the several estates of Thomas Goodwin and John Godden, deceased, to settle the partnership transactions of decedents in lands of their estates.

To amend the corporation laws of Alabama.

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of Town Creek Baptist Church in Hackneyville beat, Tallapoosa county, Alabama.

To authorize the court of county commissioners for the county of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company or others holding the bonds of said county heretofore issued by said county to the said Savannah and Memphis Railroad Company.

#### ADJOURNMENT.

On motion of Mr. Royal—

At 2 o'clock and 40 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

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WEDNESDAY, December 10, 1873.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Jones of Montgomery.

ROLL CALL.

On the call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—31.

The Journal of yesterday read and approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 10, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills in which the concurrence of the Senate is requested, to be entitled as follows:

AN ACT

To authorize the court of county commissioners of Elmore county to levy a county tax to pay off the indebtedness of said county.

## AN ACT

In relation to the fine and forfeiture fund of Marion county.

## AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages within two miles of Yorgesboro, a station on the Western Railroad of Alabama, and within one mile and a quarter of Kilns of the Chewacla Lime Company, both in the county of Lee.

## AN ACT

To regulate the trial of attachment cases.

## AN ACT

To amend section 4 of an act to regulate property exempted from sale for the payment of debt.

## AN ACT

To define the pay of jurors of Crenshaw county and to authorize the commissioners court to levy a tax to pay the same.

Also--

## JOINT RESOLUTION,

Making an appropriation for the payment for a safe in the office of the Secretary of State.

ROBERT BARBER,  
Clerk.

## VOTES RECORDED.

Mr. Cobb asked and obtained leave to record his vote in the negative on the passage of  
Senate bill—

To authorize executors, administrators, guardians and trustees to make investments in bonds, obligations and



securities of the United States, and of the State of Alabama.

Mr. Martin asked and obtained leave to record his vote in the affirmative on the passage of said bill.

#### BILLS INTRODUCED.

By leave, the following bills were introduced :

By Mr. Hamilton—

To restrict the power of taxation of incorporated cities and towns in certain cases.

By Mr. Parks--

To establish a new chancery district of Covington county.

By Mr. Robinson—

For the relief of William H. Clemons, tax collector of Chambers county.

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Martin--

To provide for the trial of fact in certain cases in chancery courts.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

By Mr. Wilson, (with memorial)—

For the relief of the Masonic Temple Association of Alabama.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Carmichael—

To fix the time of holding the circuit court in the eighth judicial circuit.

Which bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Carmichael, (with petition)—

To repeal an act entitled "an act to prohibit the sale of spirituous or intoxicating liquors of any kind within two miles in any direction of the Clopton Academy," approved March 8, 1871, and an act amendatory thereto, approved January 27, 1873.

Which bill was read twice under suspension of the constitutional rule.

On motion of Mr. Cobb—

Bill was then indefinitely postponed.

By Mr. Cooper—

For the relief of Wm. L. Cain of Etowah.

Which bill was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation, with instructions to report thereon to-morrow.

#### FEDERAL RELATIONS.

By leave, Mr. Cobb, from the Committee on Federal Relations, reported adversely to

Senate bill—

To amend section 1770 of the Revised Code of Alabama.

Which adverse report was concurred in.

#### SELECT COMMITTEE.

Mr. Cobb, from select committee, reported adversely to Senate bill—

To better secure the payment of wages and dues of the mechanics and employees of railroad companies in this State.

On motion of Mr. Haralson—

The bill was recommitted to the Judiciary Committee, with instructions to report a bill.

#### FINANCE AND TAXATION.

By leave, Mr. Ervin, from the Committee on Finance and Taxation, reported favorably, with amendment, to House bill—

To provide for the support of the Freedman's Hospital, near the city of Talladega, Alabama.

The report was concurred in, and

The amendment adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

The question being put—

Shall the bill pass?

It was decided in the affirmative—Ayes 21, noes 6.

Ayes—Messrs. Black, Cobb, Cunningham, Curtis, De-

reen, Doster, Driesbach, Ervin, Glass, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Miller, Royal, Snodgrass, Terrell, Walton and Wilson—21.

Noes—Messrs. Carmichael, Edwards, Grayson, Hewitt, Little and Parks—6.

#### RECONSIDERATION.

On motion of Mr. Carmichael—

The vote by which the Senate on yesterday concurred in the adverse report of the Committee on Finance and Taxation to

House joint resolution—

To provide additional per diem to journal and recording clerks of this House,

Was reconsidered.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 10, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows:

#### AN ACT

To authorize David R. Leonard, the administrator of the estate of J. Glen Leonard, deceased, to sell the lands of said estate at private sale, without making application, proof, and obtaining an order of sale, as is usually done.

ROBERT BARBER,  
Clerk.

#### SPECIAL ORDER.

At 11 o'clock the special order set for that hour came up, it being  
Senate bill—

For the appointment of commissioners to liquidate

claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

Mr. Cobb offered the following amendment :

Amend section 6 by striking out all between the words "act" in the 12th and "and" at the end of the 25th line, and insert the following, to-wit:

"Provided always, that said commissioners are hereby expressly forbidden, in the management, use and application of the said claims, liens and securities in this section mentioned, to do or perform any act which will validate or tend to validate any alleged liability of the State by reason of its alleged endorsement of the bonds of any railroad company, or to do or perform any act which shall create, or tend to operate as a recognition on the part of the State of the validity of any alleged liability which is not now a valid and legal subsisting claim against the State."

Also amend section 7 by inserting the word "legal" between the words "genuine" and "evidences" in the 5th line of said section.

Also, to amend section 8 by inserting the words "and sold" between the words "issued" and "by" in the 3d line of the same; by striking out the word "loaned" in the 3d line and inserting in lieu thereof the word "furnished," and by inserting the words "in accordance with and" between the words "act" and "under" in the 4th line of said section 8.

Mr. Hamilton called for a division of the question upon the amendment to the 6th section of the bill.

And the question being first taken upon striking out—  
It was lost.

The question then being taken upon inserting the proposed amendment to section 6—

It was carried.

The amendment to section 7 was then adopted.

Mr. Goodloe offered the following amendment to the amendment to section 8 by way of a substitute for said section :

"That said commissioners shall open negotiations with the holders of the several issues of bonds heretofore made by this State, for the purposes other than in aid of the construction of railroads, and if practicable agree upon a new issue of State bonds in settlement of the debt of the State, payable at thirty years, or sooner, at

the pleasure of the State, and at such place or places as may be agreed on."

On motion of Mr. Cobb—

The amendment to the amendment was laid on the table.

Ayes 13, noes 10.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Doster, Driesbach, Grayson, Harris, Hewitt, Little, Robinson, Royal, Terrell and Walton—13.

Noes—Messrs. Dereen, Edwards, Ervin, Goodloe, Haralson, Hatch, Jones, Martin, Pennington and Wilson—10.

Mr. Haralson offered the following amendment to the amendment :

Strike out all after the word "enacted" in the 8th section of the bill, and insert in lieu thereof the following :

"That for the funding and payment of all unpaid interest already due, or to become due, before January 10th, 1876, upon each of the bonds issued by the State of Alabama, which shall be found under this act to be a direct debt of the State, the faith of the State is again pledged ; the General Assembly of Alabama hereby declares and enacts that upon the ascertainment of the debt herein above in this section mentioned, as herein provided, bonds of the State of Alabama of the denomination of one thousand dollars each, payable in not less than twenty years nor more than thirty years from their date, with interest at a rate not exceeding six per centum per annum, payable semi-annually, at such places as may be acceptable to the holders of the interest coupons past due, or to become due, before January 10th, 1876, upon said direct debt may be issued in the usual form for issuing the bonds of Alabama, and may be substituted or exchanged by said commissioners or by the Treasurer of the State for the said interest coupons, as to all just or legal liabilities of the State of Alabama as endorser to be ascertained or provided in this act, the General Assembly of Alabama reiterates the unalterable purpose of the State to do complete justice as soon after obtaining the information and report herein above provided for as the State can do so, without a sacrifice too ruinous to be exacted by generous or humane creditors."

On motion of Mr. Hamilton—

The amendment to the amendment was laid on the table.

Yeas 20, nays 3.

Ayes—Messrs. Carmichael, Cobb, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Grayson, Hamilton, Harris, Hatch, Little, Martin, Parks, Robinson, Snodgrass, Terrell, Walton and Wilson—20.

Nays—Messrs. Haralson, Pennington and Royal—3.

The amendment to section 8 was then adopted.

Mr. Hewitt offered the following amendment:

Amend by adding the following sections to said bill, viz:

Sec. 11. *Be it further enacted*, That the Auditor of the State is hereby prohibited from drawing his warrant upon the Treasurer of the State for the payment of the interest of any bond, straight or endorsed, now due or which may become due hereafter.

Sec. 12. *Be it further enacted*, That the Governor of the State is hereby prohibited from paying interest upon any bond of the State, either straight or endorsed, now due or which may become due hereafter, except as provided in this act.

Sec. 13. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Mr. Terrell offered the following amendment to the amendment:

Amend last section 13:

Provided, this and the two preceding sections shall not apply to the Agricultural College at Auburn; and provided further, the provisions of the last three sections of this act shall apply only to bonds endorsed by the State in aid of the construction of railroads in this State.

On motion of Mr. Pennington—

The amendment to the amendment was laid upon the table.

The amendment was then adopted.

Ayes 16, nays 10.

Ayes—Messrs. Black, Carmichael, Cobb, Cunningham, Doster, Driesbach, Edwards, Grayson, Hamilton, Harris, Hewitt, Little, Martin, Robinson, Royal and Snodgrass—16.

Nays—Messrs. Dereen, Ervin, Goodloe, Hatch, Jones, Miller, Pennington, Terrell, Walton and Wilson—10.

Bill, as amended, was then read a third time forthwith, under suspension of the constitutional rule, and

The question being put,

Shall the bill pass?

It was decided in the affirmative.

Ayes 23, nays 5.

Ayes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Doster, Driesback, Edwards, Ervin, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Jones, Little, Martin, Robinson, Royal, Snodgrass, Terrell and Walton—23.

Nays—Messrs. Curtis, Dereen, Miller, Pennington and Wilson—5.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December, 10th, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows:

#### AN ACT

To prohibit the sale or giving away of vinous or spirituous liquors within four miles of the Round Mountain Iron Works and Tecumseh Iron Works, or Coaling Grounds, in Cherokee county.

ROBERT BARBER,  
Clerk of House.

#### HOUSE BILL.

Mr. Cobb called up  
House bill—

To authorize David R. Leonard, the administrator of the estate of J. Glenn Leonard, deceased, to sell the lands of said estate at private sale, without making application, proof, and obtaining the order of sale, as is usually done.

Bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

## FINANCE AND TAXATION.

By leave, Mr. Ervin, from the Committee on Finance and Taxation, reported favorably to

Senate bill—

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley of Huntsville, Madison county, Alabama.

The report was concurred in, and

The bill was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

## MUNICIPAL AND COUNTY ORGANIZATIONS.

By leave, Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to

Senate bill—

To amend the charter of the town of Decatur in Morgan county

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, adversely to

Senate bill—

To incorporate the town of Decatur, and for other purposes.

Which adverse report was concurred in.

## SELECT COMMITTEE.

By leave, Mr. Edwards, from the select committee, reported favorably, with amendment, to

Senate bill—

To incorporate the town of Cullman, in Blount county.

The report was concurred in, and

Amendment adopted.

On motion of Mr. Terrell—

The bill was recommitted to the same committee.

## SPECIAL ORDER.

The special order set for 12 o'clock then came up, it being



House bill—

To establish revenue laws for the State of Alabama.

Mr. Robinson moved to postpone the further consideration of the bill until 11 o'clock to-morrow, and make it the special order for that hour, and for that hour from day to day until disposed of.

Pending which,

Mr. Martin, at 1 o'clock and 30 minutes P. M., moved to adjourn.

Which motion was lost.

Ayes, 3; noes, 20.

Ayes—Messrs. Martin, Pennington and Walton—3.

Nays—Messrs. Charmichael, Cobb, Cooper, Cunningham, Dereen, Edwards, Ervin, Goodloe, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Little, Robinson, Royal, Snodgrass, Terrell and Wilson—20.

The question was then taken upon the motion to postpone, and it was lost.

Mr. Carmichael moved to proceed to the consideration of the bill, section by section.

Mr. Terrell moved to reconsider the vote by which Mr. Robinson's motion to postpone the consideration of the bill was lost.

Mr. Martin moved to lay the motion on the table.

Which motion was lost.

The motion to reconsider was then lost.

Mr. Carmichael's motion to consider the bill section by section, was then carried.

And the first and second sections were then adopted.

Mr. Pennington offered the following amendment to the second section :

Amend by striking out paragraph 9, section 3, so much as exempts two hundred dollars of personal property from taxation.

Mr. Parks moved to lay the amendment on the table.

Which motion was lost.

Ayes 12, nays 16.

Ayes—Messrs. Cooper, Cunningham, Doster, Driesbach, Edwards, Glass, Harris, Little, Parks, Robinson, Royal and Walton—12.

Nays—Messrs. Black, Carmichael, Cobb, Curtis, Dereen, Ervin, Grayson, Hamilton, Haralson, Hatch, Hewitt, Leftwich, Martin, Pennington, Terrell and Wilson—16.

The question recurring upon the adoption of the amendment,

It was adopted.

Mr. Haralson offered the following amendment:

Strike out the words, "or any county, city or town thereof," section 3, line 4.

On motion of Mr. Robinson—

The amendment was laid upon the table.

Mr. Pennington moved to adopt the bill as a whole.

Which motion was lost.

Section third, as amended, was then adopted.

Sections 4th, 5th, 6th and 7th were then adopted.

On motion of Mr. Pennington—

The further consideration of the bill was postponed until 10 o'clock A. M. to-morrow, and it was made the special order for that hour.

On motion of Mr. Hamilton--

The order of the Senate to print two hundred copies of House bill—

To establish revenue laws for the State of Alabama,  
Was revoked.

#### ADJOURNMENT.

On motion of Mr. Pennington—

At 2 o'clock and 12 minutes P. M.,

The Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

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THURSDAY, December 11, 1873.

The Senate met pursuant to adjournment.

#### PRAYER.

Prayer by the Rev. Mr. Jones of Montgomery.

#### ROLL CALL.

Upon the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper,

Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Pennington, Robinson, Royal, Snodgrass and Walton—30.

The Journal of yesterday read and approved.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 11, 1873. }

*Mr. President.*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

#### AN ACT

To make appropriations for the fiscal year ending 30th September, 1874.

ROBERT BARBER,  
Clerk of House.

#### BILL INTRODUCED.

By leave, Mr. Wilson introduced bill—

To amend an act to authorize the county of Montgomery to issue bonds.

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

Passed.

#### CALL OF DISTRICTS.

On a call of the Districts the following bills were introduced :

By Mr. Cobb—

To require the criminal docket in the circuit courts for Talladega county to be set for trial on the third week of the term.

By Mr. Cobb—

To amend an act to incorporate the Selma Building and Loan Association.

Which bills were severally read three times forthwith,  
under suspension of the constitutional rule, and  
Passed.

#### SPECIAL ORDER.

At eleven o'clock the special order set for that hour  
came up, it being

House bill--

To establish revenue laws for the State of Alabama.

Mr. Pennington moved to suspend the consideration of  
the special order, temporarily, to continue the call of the  
districts.

Which motion was lost.

Mr. Little moved to reconsider the vote by which the  
amendment to section 3 was adopted on yesterday.

Which motion was lost.

Section 8 was then adopted.

Mr. Hamilton moved to amend section 9 by striking  
out the word "lessees" where it occurs in the 14th and  
15th lines of said section, and inserting in lieu thereof the  
word "lessors."

Which amendment was adopted.

Section 9, thus amended, was then adopted.

Mr. Ervin moved to amend section 10 by striking out  
the words "commission merchants and" where they occur  
in the 5th line of said section.

Which amendment was adopted.

Section 10, thus amended, was then adopted.

Section 11 was then adopted.

Mr. Carmichael moved to amend section 12 by striking  
out sub-division 8 of said section.

Which amendment was lost.

Mr. Pennington moved to amend section 12 by striking  
out the words "two per cent." where they occur in the  
10th line and sub-division two of said section, and insert-  
ing in lieu thereof the words "five per cent."

Mr. Hamilton moved to amend the amendment by in-  
serting "three per cent." instead of "five per cent."

Which amendment was accepted, and

The amendment, thus amended, was then adopted.

Mr. Walton moved to amend section 12 by inserting  
between the words "timber" and "three" where they oc-  
cur in line 39, sub-division 8, of said section, the words,  
"fifty feet long or less," and between the words "cents"

and "for" in the same line, the words, "on square timber sixty feet long, ten cents; on square timber seventy feet long, forty cents; on square timber eighty feet long, seventy-five cents, and on all timber over eighty-five feet, one dollar."

Mr. Parks moved to amend the amendment as follows:

Amend the 8th subdivision of section 12, thus—

Strike out the words "one cent for each log" in the 38th and 39th lines and insert in lieu thereof the words, "a tax of three-fourths of one per cent. on the value of each log and each stick of square timber;" also, strike out the words, "three cents for each stick," occurring in the 39th line.

Which amendment was accepted.

And the question being then put,

Shall the amendment, as amended, be adopted?

It was decided in the affirmative.

Yeas 23, nays 7.

Yeas—Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Ervin, Grayson, Haralson, Harris, Hatch, Leftwich, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—23.

Nays—Messrs. Carmichael, Curtis, Edwards, Goodloe, Hamilton, Jones and Martin—7.

Section 12, as amended, was then adopted.

Sections 13, 14, 15 and 16 were then adopted.

Mr. Hamilton moved to amend by striking out section 17.

Mr. Cooper moved to amend the amendment by striking out all of section 17 after the word "county" where it occurs in the 4th line of said section.

Which amendment was accepted.

The amendment, thus amended, was then adopted.

Yeas 23, nays 4.

Yeas—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Grayson, Hamilton, Harris, Hewitt, Leftwich, Little, Martin, Parks, Robinson, Royal, Snodgrass and Walton—23.

Nays—Messrs. Dereen, Goodloe, Haralson and Pennington—4.

Section 17, thus amended, was then adopted.

Mr. Hewitt moved to amend section 18 as follows:

Strike out all of said section after the word, "the"

where it first occurs in 2d line, and insert in lieu thereof the words as follows, viz: "third Monday in April in each year in addition to the regular terms as now required by section 829 of the Revised Code of Alabama."

Which amendment was adopted.

Section 18, thus amended, was then adopted.

Sections 19, 20, 21 and 22 were then adopted.

Mr. Cooper moved to amend by striking out section 23.

Which amendment was adopted.

Mr. Hamilton offered the following amendment:

Amend section 24 (page 14) 15th line after the word "counties"; "*Provided*, That the valuation of any of said railroads and its property on which the tax is to be assessed shall not exceed a value which shall subject said railroad to a tax of over three-fourths of one per cent. upon its gross income."

Mr. Terrell moved to amend the amendment by striking out the word "income" at the end of said amendment and inserting in lieu thereof the word "receipts."

Which amendment was accepted.

The amendment, thus amended, was then adopted.

Yeas 19, nays 13.

Yeas—Messrs. Black, Cobb, Coleman, Curtis, Dereen, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch, Jones, Little, Martin, Miller, Pennington, Royal, Terrell and Wilson—19.

Nays—Messrs. Carmichael, Cunningham, Doster, Driesbach, Edwards, Ervin, Grayson, Hewitt, Leftwich, Parks, Robinson, Snodgrass and Walton—13.

Section 24, thus amended, was then adopted.

Section 25 was then adopted.

Mr. Goodloe moved to suspend the consideration of the special order temporarily for the purpose of introducing a bill.

Which motion was lost.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 11, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills in which

the concurrence of the Senate is requested, to be entitled as follows :

## AN ACT

To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages within two and a half miles of the Pierce Coal Mines, in section 12, township 14, range 3 west, and also within two and a half miles of New Castle Coal Mines in Jefferson county.

## AN ACT

To prohibit the sale or giving away of vinous or spirituous liquors within two miles of Gaylesville High School, in Cherokee county ; within two miles of the Methodist Church South, known as Harmony, Elmore county ; within two miles of Hopewell Methodist Church and Hopewell Academy, in the county of Lowndes ; within three miles of the Notasulga Academy, in Macon county, and within three miles of the town of Vernon, Sanford county.

## AN ACT

To secure a more thorough assessment of the real property of the State.

## AN ACT

For the relief of Mrs. Mary Ann Taylor.

ROBERT BARBER,  
Clerk.

## MOTION TO RECONSIDER.

Mr. Doster moved to reconsider the vote by which the Senate on yesterday passed  
Senate bill—

For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

The consideration of which motion was postponed.

Senate resumed consideration of  
House bill—

To establish revenue laws for the State of Alabama.

Mr. Hamilton moved to amend section 26 by inserting after the word "valuation," where it occurs in the 10th line of said section, the words as follows: "And the President and Superintendent of every railroad in this State shall, on the demand of the Auditor, under oath make to said Auditor quarterly returns of the gross receipts of the railroad company of which he is President or Superintendent."

Mr. Carmichael moved to amend the amendment, by striking out the whole of section 26 and inserting Mr. Hamilton's amendment in lieu of said section.

Which amendment was accepted.

And the amendment, thus amended, was adopted.

Mr. Pennington moved to suspend, temporarily, the consideration of the special order, for the purpose of introducing bills.

Pending which,

At 2 o'clock and 7 minutes P. M., Mr. Wilson moved to adjourn.

Which motion was lost.

The motion to suspend, temporarily, the special order was then carried.

#### BILLS INTRODUCED.

By leave, the following bills were introduced:

By Mr. Pennington—

To prohibit the issuance of railroad certificates of indebtedness.

By Mr. Martin—

To establish a medical board in the county of Mobile, which shall be at the same time the board of health of the city of Mobile, and defining its duties and powers.

By Mr. Miller—

Regulating advances upon timber, lumber and logs.

Which bills were severally read twice under suspension of the constitutional rule, and

Referred to Judiciary Committee.

By Mr. Hewitt—

To repeal an act approved March 3, 1870, entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne,



Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," so far as the same applies to the county of St. Clair.

By Mr. Robinson—

To fix the time of holding the chancery courts for the sixth district of the eastern chancery division, composed of the county of Macon.

By Mr. Martin—

To authorize Ann S. Prince, administratrix of the estate of Oliver T. Prince, deceased, to sell certain lands of said estate at private sale for the purpose of paying the debts of decedent.

Which bills were severally read three times, forthwith, under suspension of the constitutional rule, and

Passed.

By Mr. Cooper—

To extend the time for the collection and returns of State and county taxes.

By Mr. Black—

For the relief of justices of the peace, bailiffs, and all county officers of Barbour county.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

By Mr. Miller—

To remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county in the State of Tennessee.

Which bill was read twice under suspension of the constitutional rule, and

Referred to the Committee on Local Legislation.

By Mr. Doster—

To authorize the administrators of John Merritt, deceased, to sell real estate.

By Mr. Doster—

To amend section 1386 of the Revised Code of Alabama.

Which bills were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Privileges and Elections.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
December 11, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows :

## AN ACT

To amend sections 1314 and 1317 of the Revised Code of Alabama, so far as the same relates to Calhoun county.

## AN ACT

To prevent tax collectors and all others engaged in collecting the revenue of the State, from speculating in State warrants, certificates or other securities of the State.

ROBERT BARBER,  
Clerk of the House.

## ENROLLED BILLS.

Mr. Carmichael, from the Committee on Enrolled Bills, reported as correctly enrolled :

## AN ACT

To provide for the payment of the debt of Butler county.

## AN ACT

To prohibit the sale or giving away of spirituous, vinous or malt liquors within two and one-half miles of Dudleyville Academy, in the county of Tallapoosa.

## AN ACT

To prevent judges of the circuit, criminal and city

courts from holding any other office during their respective terms of office.

#### AN ACT

To fix the terms of office of certain municipal officers in the city of Mobile.

#### AN ACT

To prohibit any person from selling, giving away or otherwise disposing of spirituous liquors within four miles of the following named churches: Letohatchie Methodist, Tabernacle Methodist, in Montgomery county, six miles northeast of Letohatchie, Steep Creek Baptist Church, three and one-half miles northeast of Letohatchie, in the county of Lowndes, and Pleasant Valley Methodist Church in said county.

#### AN ACT

To amend an act entitled an act to incorporate the National Hotel Company of Selma, approved December 7, 1866.

#### LEAVE OF ABSENCE.

Leave of absence, on account of sickness, was granted the Doorkeeper.

#### ENGROSSED BILLS.

Mr. Dereen, from Committee on Engrossed Bills, reported the following bills as correctly engrossed :

Bills—

To authorize the commissioners court of Choctaw county to increase the pay of the sheriff of said county for *ex-officio* services, and be made a preferred claim against the county treasury.

To amend an act to authorize the county of Montgomery to issue bonds.

To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars, for certain purposes therein named.

Mr. Doster called up the motion to reconsider the vote upon passage of

Senate bill—

For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

And it was made special order for 12 o'clock M. to-morrow.

#### ADJOURNMENT.

On motion of Mr. Cobb—

At 2 o'clock and 35 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

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FRIDAY, December 12, 1873.

The Senate met pursuant to adjournment.

#### PRAYER.

Prayer by Rev. Mr. Jones of Montgomery.

#### ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—33.

Journal of yesterday was read and approved.

#### VETO MESSAGE.

Mr. Cooper called up the Governor's veto message, which read as follows:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, December 9, 1873. }

*Gentlemen of the Senate :*

I feel it my duty to return to you without my approval the bill originating in your body entitled "an act declaring the lands of Mitchell Davis of Cherokee county, which are divided by the line dividing the counties of Cherokee and Etowah to be deemed and held as being in Cherokee county."

This bill directs the taxes collectible on so much of said lands as lie in Etowah county to be paid into the treasury of the county of Cherokee. If the principle of this bill is a correct rule of legislation, then a general law should recognize it, and make it applicable to all cases where the line of adjacent counties interests a tract of land owned by a citizen and permit him to pay into the treasury of the county of his residence the tax for the entire body of such real estate. But it is respectfully submitted, that the mere convenience of the tax payer is not a sufficient reason for depriving the adjacent county of the taxes on lands within its limits, and under the supervision and protection of its county legislation and control. The amount of the tax diverted from the county of Etowah by this bill may be small, and not subject the county to any inconvenience. The principle is no less erroneous on that account.

This bill is highly illustrative of the vicious principles which underlie special legislation. While a bill to appropriate any given per cent. of the county tax of Etowah to the treasury of Cherokee would not be entertained for a moment by the General Assembly when this proposition is plainly stated, yet an act is passed, for the personal convenience of some important citizen, which rests on the same proposition.

The gravity of the principle involved in the act must be my apology for troubling you with this communication.

I have the honor to be,

Your Ob't. Servant,

DAVID P. LEWIS,

Governor.

On motion of Mr. Parks—

The message was referred to a select committee of three

#### LOCAL LEGISLATION.

By leave, Mr. Martin, from the Committee on Local Legislation, reported favorably to Senate bill—

To remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county, in the State of Tennessee.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### FINANCE AND TAXATION.

By leave, Mr. Ervin, from the Committee on Finance and Taxation, reported substitute for

Senate bill—

Explanatory of section eleven (11) of the act entitled “an act to establish a criminal court for the county of Dallas.”

The substitute to be entitled, bill—

To repeal an act entitled an act to establish a criminal court for the county of Dallas, approved February 23, 1870.

The report was concurred in, and substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 12, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

## AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Hilliard Church, in Bullock county.

And has adopted a

## JOINT RESOLUTION

In relation to memorializing Congress on the subject of education.

ROBERT BARBER,  
Clerk.

Mr. Jones called up  
Senate bill—

To authorize the legal voters of certain beats in Lowndes county to decide upon the continuance of "an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama," approved December 31, 1868.

The question was upon concurring in the report of a majority of the select committee.

Pending which—

## SPECIAL ORDER.

At 11 o'clock the special order set for that hour came up, it being

House bill—

To establish revenue laws for the State of Alabama.

Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 were then adopted.

Mr. Black moved to amend section 40 as follows:

Strike out "ten" where it occurs at the end of line 6 and insert "twenty." Strike out "two" where it occurs in line 7 and insert "three."

On motion of Mr. Hewitt—

The amendment was laid upon the table.

Mr. Dereen moved to amend as follows:

Amend section 41 by adding after the words and figures "section 33 in the 2d line of said section, the words, "except as to the delinquent poll tax assessment."

On motion of Mr. Robinson—

The amendment was laid upon the table.

Mr. Wilson moved to amend as follows :

Amend section 41 by inserting in the 2d line "twenty-five" cents instead of "fifty."

Which amendment was adopted.

Mr. Robinson moved to amend as follows :

Strike out all after word "enacted" of section 42, and insert the following :

"That the term of office of tax collectors of this State shall terminate on the first day of May, 1875, and every two years thereafter."

On motion of Mr. Pennington—

The amendment was laid upon the table.

Section 40 was then adopted.

Section 41, as amended, was then adopted.

Sections 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 were then adopted.

Mr. Hewitt moved to amend as follows :

Amend section 53 as follows, viz. : Strike out "February" where it occurs in 2d line of said section, and insert in lieu thereof "April."

Which amendment was adopted.

Mr. Haralson moved to amend section 53 as follows :

"Provided always, That the commissioners court shall not, under any circumstances, allow tax collectors credit for insolvent poll tax payers."

On motion of Mr. Pennington—

The amendment was laid upon the table.

Section 53, as amended, was then adopted.

Sections 54 and 55 were then adopted.

Mr. Parks moved to amend as follows :

Amend fifth line of section 56, by inserting between the words "him" and "such" the words "to the probate judge, and upon his examination and approval thereof."

Which amendment was adopted.

Section 56, thus amended, was then adopted.

Sections 57 and 58 were then adopted.

Mr. Haralson moved to amend as follows :

Amend section 59, by striking out the word "fifty" in the second line of said section, and inserting in lieu thereof "twenty-five."

Which amendment was adopted.

Section 59, thus amended, was then adopted.

Sections 60, 61 and 62 were then adopted.

Mr. Cobb moved to amend as follows :



Amend section 63, by inserting the word "first" between the words "who" and "offers," where they occur in the first line of said section.

Which amendment was apoted.

Section 63, thus amended, was then adopted.

Sections 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77 were then adopted.

Mr. Carmichael moved to amend as follows:

Amend section 78, by striking out all between the word "money" in the 4th line, and the word "from" in the 6th line, and substituting in lieu thereof the words "with interest thereon at the rate of twenty per centum per annum "

Which amendment was adopted.

Section 78, thus amended, was then adopted.

Mr. Parks moved to reconsider the vote last taken.

Which motion was lost.

Mr. Robinson moved to adopt the remaining sections as a whole.

Mr. Pennington moved to amend the motion by adopting to section 101.

Pending which,

Mr. Martin called up

House joint resolution—

In relation to memorializing Congress on the subject of education.

On motion of Mr. Pennington—

Joint resolution and substitute were indefinitely postponed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,	}
December 12, 1873.	}

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

#### AN ACT

To provide for holding a special term of the circuit

court of Etowah county to try the case of "The State vs. William M. Hall,"

And ordered the same forthwith to the Senate without engrossment.

ROBERT BARBER,  
Clerk.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 12, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows:

#### AN ACT

To authorize the administrator of the estate of Celia Baldwin, deceased, to sell the personal property belonging to said estate at public or private sale,

And ordered the same forthwith to the Senate without engrossment.

ROBERT BARBER,  
Clerk.

#### SPECIAL ORDER.

At 12 o'clock the special order set for that hour came up, it being

The motion to reconsider the vote by which Senate passed

Senate bill—

For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

Mr. Pennington moved to postpone the consideration of the special order for the purpose of further considering

House bill—

To establish revenue laws for the State of Alabama.

Which motion was lost.

Ayes 11, noes 22.

Ayes—Messrs. Black, Cooper, Curtis, Dereen, Glass, Haralson, Hatch, Jones, Miller, Pennington and Wilson—11.

Noes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Harris, Hewitt, Leftwich, Little, Martin, Parks, Robinson, Royal, Snodgrass Terrell and Walton—22.

Mr. Hamilton moved to lay the motion to reconsider upon the table.

Which motion was lost.

Ayes, 11 ; noes, 20.

Ayes—Messrs. Cobb, Coleman, Cunningham, Ervin, Grayson, Hewitt, Little, Parks, Robinson, Terrell and Walton—11.

Noes—Messrs. Black, Carmichael, Curtis, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Miller, Pennington, Snodgrass and Wilson—20.

The question recurring upon the motion to reconsider the vote upon the passage of the bill—

The motion was carried.

Ayes 17, noes 12.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Doster, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Parks, Pennington, and Wilson—17.

Noes—Messrs. Cobb, Coleman, Cooper, Driesbach, Ervin, Grayson, Hewitt, Little, Robinson, Snodgrass, Terrell and Walton—12.

On motion of Mr. Haralson—

The vote by which the bill was ordered to a third reading was then reconsidered.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 12, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of

Representatives has passed Senate bill, entitled as follows :

AN ACT

To remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county, in the State of Tennessee.

ROBERT BARBER,  
Clerk of House.

Mr. Hamilton offered the following amendment to the 7th section of the bill :

Insert next after the word "commissioners" in the 27th line of said section the following, to-wit: "Are hereby empowered to sell all the interest of the State in said railroads and each of them, and upon consummation by the purchaser or purchasers of the terms and conditions of such sale to convey and transfer to such purchaser or purchasers all the right, title and interest of the State of Alabama in said railroad so sold and all its property and franchises. Said commissioners."

Mr. Goodloe offered a substitute for the bill by way of an amendment to the amendment, to be entitled as follows :

For the appointment of commissioners to enforce the rights and liens of the State created and secured by law and the mortgage deeds to protect its endorsement of bonds in aid of railroad companies, and to settle the State liability thereon.

On motion of Mr. Hamilton—

The substitute was laid upon the table.

Yeas 17, nays 15.

Yeas—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Hamilton, Hewitt, Little, Martin, Parks, Robinson, Terrell and Walton—17.

Nays—Messrs. Black, Curtis, Dereen, Doster, Glass, Goodloe, Haralson, Harris, Hatch, Jones, Leftwich, Miller, Pennington, Royal and Wilson—15.

Mr. Parks moved to amend the amendment, as follows:

Between the words "sale" and "to" of the fifth line of the amendment insert the words "and upon ratification by the next General Assembly."

Mr. Robinson moved to take a recess until 4 o'clock P. M.

Mr. Pennington, at 2 o'clock and 10 minutes P. M., moved to adjourn until 10 o'clock and 15 minutes A. M. to-morrow.

The question being first taken on Mr. Pennington's motion,

It was lost.

Yeas 3, nays 24.

Yeas—Messrs. Curtis, Dereen and Pennington—3.

Nays—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Little, Martin, Miller, Parks, Robinson, Snodgrass, Terrell, Walton and Wilson—24.

Mr. Martin moved to take a recess until 7 o'clock P. M.

Mr. Robinson moved to lay the latter motion upon the table.

Which motion was lost.

Yeas 13, nays 17.

Yeas—Messrs. Black, Cobb, Cunningham, Driesbach, Edwards, Goodloe, Harris, Little, Pennington, Robinson, Royal, Snodgrass and Wilson—13.

Nays—Messrs. Coleman, Cooper, Curtis, Dereen, Doster, Ervin, Grayson, Hamilton, Haralson, Hatch, Hewitt, Leftwich, Martin, Miller, Parks, Terrell and Walton—17.

The motion to take a recess until 7 o'clock P. M. was then lost.

The motion to take a recess until 4 o'clock P. M. was then lost.

Yeas 11, nays 21.

Yeas—Messrs. Black, Coleman, Cooper, Curtis, Ervin, Haralson, Martin, Parks, Robinson, Terrell and Walton, 11.

Nays Messrs. Carmichael, Cobb, Cunningham, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Leftwich, Little, Miller, Pennington, Royal, Snodgrass and Wilson—21.

On motion of Mr. Carmichael—

The amendment to the amendment was laid upon the table.

Ayes 24, noes 8.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch,

Hewitt, Jones, Little, Miller, Pennington, Royal, Snodgrass and Wilson—24.

Noes—Messrs. Cooper, Curtis, Grayson, Martin, Parks, Robinson, Terrell and Walton—8.

The question then being put—

Shall the amendment be adopted?

It was decided in the affirmative.

Ayes 26, noes 5.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Jones, Little, Miller, Pennington, Royal, Snodgrass and Wilson—26.

Noes—Messrs. Martin, Parks, Robinson, Terrell and Walton—5.

Mr. Dereen moved to amend by substituting the following for section 8:

Strike out all after the word “enacted” in the 8th section of the bill, and insert in lieu thereof the following:

“That for the funding and payment of all unpaid interest already due, or to become due, before the 10th day of January, 1875, upon each of the bonds issued by the State of Alabama, which shall be found by said commissioners to be a direct debt of the State, the faith of the State is again pledged, and the General Assembly of Alabama hereby declares and enacts that upon the ascertainment of the debt herein above in this section mentioned, by said commissioners, bonds of the State of Alabama of the denomination of one thousand dollars each, payable in not less than twenty years nor more than thirty years from their date, with interest at a rate not exceeding six per centum per annum, payable semi-annually, at such place as the commissioners may designate, may be issued in the usual form for issuing the bonds of Alabama, and may be substituted or exchanged by said commissioners for the unpaid interest coupons past due, or to become due, before January 10th, 1875, upon said debt of the State, and unpaid interest coupons, as to all just or legal liabilities of the State of Alabama as endorser, to be ascertained by said commissioners, the General Assembly of Alabama reiterates the unalterable purpose of the State to do complete justice as soon after obtaining the information herein above provided for as the State can do so, without a sacrifice too

ruinous to be exacted by generous or humane creditors."

On motion of Mr. Hamilton—

The amendment was laid upon the table.

Ayes 19, noes 10.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Hamilton, Harris, Hewitt, Little, Martin, Parks, Royal, Snodgrass, Terrell and Walton—19.

Noes—Messrs. Black, Curtis, Dereen, Glass, Goodloe, Hatch, Jones, Miller, Pennington and Wilson—10.

Mr. Goodloe moved to amend the 3d section as follows:

In second line of said section after the word "best" insert "and for that purpose the said commissioners shall have power to send for persons and papers and administer oaths."

Which amendment was adopted.

Mr. Doster offered the following as a substitute for sections 11, 12 and 13, which was adopted.

Sec. 11. *Be it further enacted*, That the Auditor of the State is hereby prohibited from drawing his warrant upon the Treasurer of the State for the payment of the interest upon any liability, whether by bonds or endorsement of bonds by this State on account or pretense of aid to any railroad company.

Sec. 12. *Be it further enacted*, That the Governor of the State is hereby prohibited from paying the interest upon any liability, whether by bonds or endorsement of bonds by this State on account or pretense of aid to any railroad company, except as provided for in this act.

Sec. 13. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. Hewitt moved to amend by striking out section 8.

Mr. Carmichael moved to lay the amendment upon the table.

Which motion was lost.

Ayes 13, noes 15.

Ayes—Messrs. Black, Carmichael, Cooper, Ervin, Grayson, Hamilton, Harakson, Hatch, Harris, Martin, Pennington, Royal and Wilson—13.

Noes—Messrs. Cobb, Coleman, Cunningham, Dereen, Doster, Driesbach, Edwards, Glass, Goodloe, Hewitt, Little, Parks, Snodgrass, Terrell and Walton—15.

And the question being put—

Shall the amendment be adopted?

It was decided in the negative.

Ayes 13, noes 17.

Ayes—Messrs. Black, Cobb, Cunningham, Doster, Driesbach, Edwards, Glass, Goodloe, Haralson, Hewitt, Little, Robinson and Terrell—13.

Noes—Messrs. Carmichael, Coleman, Cooper, Curtis, Dereen, Ervin, Grayson, Hamilton, Harris, Hatch, Martin, Parks, Pennington, Royal, Snodgrass, Walton and Wilson—17.

Mr. Pennington moved to reconsider the vote by which the substitute for sections 11, 12 and 13 was adopted.

Which motion was lost.

Mr. Cobb offered the following amendment as an additional section, which was lost:

*Be it further enacted*, That said commissioners are hereby authorized and empowered to sell, transfer and convey all the right, title and interest which the State has in and to the Alabama and Chattanooga Railroad and appurtenances, upon the surrender to the State and their cancellation of ten million of dollars of the bonds of the State, not to include any bonds heretofore hypothecated by the State.

Bill as amended, was read a third time forthwith, under suspension of the constitutional rule, and

The question being put—

Shall the bill pass?

It was decided in the affirmative.

Ayes 20, noes 9.

Ayes—Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Glass, Grayson, Hamilton, Harris, Hatch, Hewitt, Little, Royal, Snodgrass, Walton and Wilson—20.

Noes—Messrs. Cobb, Curtis, Dereen, Haralson, Martin, Parks, Pennington, Robinson and Terrell—9.

#### ENGROSSED BILLS

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed:

Bills—

To amend the charter of the town of Decatur in Morgan county.

To fix the time of holding the chancery courts for the



sixth district of the eastern chancery division, composed of the county of Macon.

To induce investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad Company's bonds and stock, and thereby to aid in the developing and utilizing of mineral resources of the State.

To economize in the public printing, and to repeal section 123 of the Revised Code.

Joint resolution—

For the relief of Louis Hobart, agent of M. S. Hobart.

Bills—

To authorize executors, guardians, administrators or trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.

In relation to the victualling of prisoners in jail.

To provide for the publication of the school laws of this State.

To provide for the support of the common schools of this State for the current year.

#### ENROLLED BILLS.

Mr. Carmichael, from the Committee on Enrolled Bills, reported as correctly enrolled :

#### AN ACT

To remove the guardianship of Lillie Bowden from the probate court of Butler county to the probate court of Shelby county, Tennessee.

#### ADJOURNMENT.

On motion of Mr. Haralson—

At 3 o'clock and 28 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

SATURDAY, December 13, 1873.

The Senate met pursuant to adjournment.

PRAYER

By Rev. Mr. Jones of Montgomery.

ROLL CALL.

Upon a call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—33.

JOURNAL.

On motion of Mr. Cooper—

The reading of the journal of yesterday was dispensed with.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, Dec. 12, 1873. }

*Mr. President :*

I am directed by the Governor to inform the Senate that on the 12th instant he approved the following bill which originated in the Senate :

AN ACT

To remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county in the State of Tennessee.

Respectfully,  
CHARLES J. ATKINSON,  
Recording Secretary.

## JUDICIARY COMMITTEE.

By leave, Mr. Cobb, from the Committee on the Judiciary, reported favorably to  
Senate bill—

To repeal an act entitled “an act to establish the city court of Eufaula,” approved February 14, 1870.

Mr. Wilson moved to recommit the bill.

Which motion was lost.

The report was concurred in.

Mr. Wilson offered a substitute for the bill, as follows:

Sec. 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the judge of the city court of Eufaula shall hold the regular terms and called sessions of the circuit court for Barbour county at Clayton, and that the judge of said city court shall receive no compensation for holding said terms and sessions of said circuit court.

Sec. 2. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act be, and the same are, hereby repealed.

Pending which,

## SPECIAL ORDER.

At 11 o'clock the special order set for that hour came up, it being

House bill—

To establish revenue laws for the State of Alabama.

Mr. Black moved to suspend the consideration of the special order, temporarily, for the purpose of disposing of the bill under consideration when it came up.

Which motion was carried.

Senate then resumed consideration of

Senate bill—

To repeal an act entitled an act to establish the city court of Eufaula, approved February 14, 1870.

On motion of Mr. Hewitt—

The substitute was laid upon the table.

Ayes 25, nays 4.

Ayes—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Miller, Parks, Robinson, Snodgrass, Terrell and Walton—25.

Nays—Messrs. Haralson, Pennington, Royal and Wilson—4.

Mr. Pennington moved to suspend the constitutional rule so as to give the bill a third reading forthwith.

Which motion was carried.

Yeas 26, nays 5.

Yeas—Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Harris, Hatch, Hewitt, Little, Martin, Miller, Parks, Pennington, Robinson, Snodgrass, Terrell and Walton—26.

Nays—Messrs. Curtis, Haralson, Leftwich, Royal and Wilson—5.

Bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
December 13, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has passed Senate bills, without amendment, entitled as follows:

#### AN ACT

To authorize executors, administrators, guardians and trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.

Also, with amendment—

#### AN ACT

To provide for the support of the common schools of the State for the current year.

#### AN ACT

To authorize the court of county commissioners for the county of Tallapoosa, in this State, to compromise the

bonded debt of said county with the Savannah and Memphis Railroad Company or others holding the bonds of said county heretofore issued by said county to the said Savannah and Memphis Railroad Company.

## AN ACT

For the relief of the Shapard Hall Female College, at LaFayette, Ala.

## AN ACT

To repeal an act, approved March 3, 1870, entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, so far as the same relates to the county of St. Clair.

Has also originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

## AN ACT

To authorize the stockholders of the Eureka Mining and Transportation Company to change the name of said company.

And order the same forthwith to the Senate without engrossment.

And has concurred in Senate amendment to House bill—

To provide for the support of the Freedman's Hospital, located near the city of Talladega,

ROBERT BARBER,  
Clerk of House.

## BILLS INTRODUCED.

By leave, Mr. Hamilton introduced bill—

To constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body politic and corporate.

Which bill was read three times, forthwith, under suspension of the constitutional rule, and

The question being put—

Shall the bill pass?

It was decided in the affirmative.

Ayes 22, noes 6.

Ayes—Messrs. Cobb, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Miller, Pennington and Terrell—22.

Noes—Messrs. Coleman, Martin, Parks, Robinson, Royal and Walton—6.

#### JUDICIARY COMMITTEE.

By leave, Mr. Hamilton, from the Judiciary Committee, reported substitute for Senate bill—

To repeal an act to establish a city court for the county of Lee, with criminal and civil jurisdiction, &c., approved March 20, 1873.

The substitute to be entitled bill—

To amend sections six, ten, twelve and fifteen of an act entitled an act to establish a city court for the county of Lee, with criminal and civil jurisdiction, &c., and to repeal certain sections therein named.

The report was concurred in, and

Substitute adopted.

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and Passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 13, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

## AN ACT

For the relief of the city of Montgomery.

ROBERT BARBER,  
Clerk of the House.

## SPECIAL ORDER.

At 11 o'clock the special order set for that hour came up, it being

House bill--

To establish revenue laws for the State of Alabama.

Mr. Dereen moved to amend as follows:

Amend section 72 by striking out the words, "and a fee of one dollar to the tax collector," where they occur in the 7th and 8th lines.

Mr. Ervin moved to amend the amendment by way of a substitute for section 72 as follows:

Sec. 72. *Be it further enacted*, That when such real property shall fail to command a bid sufficient to cover the taxes, interest, penalties, cost and three-fourths of the assessed value of such realty, the collector shall postpone the sale of such realty for twelve months, retaining all liens of the State, and shall thereafter offer for sale such realty every twelve months for taxes, interest, penalties and cost due the State, under the same restrictions as to value of such bids as heretofore embraced in this section.

Which substitute was lost.

The amendment was then adopted.

Mr. Dereen moved to amend by striking out section 76.

Which amendment was adopted.

Mr. Parks moved to amend as follows:

Amend the 3d line of section 100 by striking out the words, "50 per centum on the rate levied by the State," and insert in lieu thereof the words, "one-half of one per cent. on the value of all taxable property therein."

Which amendment was adopted.

Mr. Cobb moved to amend as follows:

"On every article, piece of property or money put up or disposed of by raffle in such tax year, a tax at the rate of five per cent. ad valorem on the amount at which the same is put; but a permit or license for such raffle must be first obtained from the probate judge, and the

tax herein assessed must be paid to said judge, as hereinafter provided, before such license can be issued, under the penalty of the forfeiture of such property. The manager of any fair for the benefit of any charitable, benevolent or religious association, upon making proof to the probate judge aforesaid that the proceeds of any contemplated raffle will be strictly applied to the benefit of such association, shall be exempted from the tax assessed thereon."

Which amendment was adopted.

Mr. Dereen moved to amend as follows:

Amend section 109, paragraph 1, line 3, by striking out "fifty" and insert "twenty-five."

In lines 4 and 5 by striking out "one hundred" and inserting "fifty," and in line 5 by striking out "two hundred and fifty" and insert "one hundred."

Amend paragraph 5, line 41, by striking out "one quart" and insert "five gallons"; line 43 strike out "one quart" and insert "five gallons"; strike out in line 44 the words, "commercial quart to be not less than one-fifth of a gallon."

Amend paragraph 24, line 87, by striking out "twenty-five" and insert "ten."

Mr. Cobb called for a division of the question, and

The question being first taken on the first amendment to paragraph 1—

It was lost.

By leave, Mr. Dereen then withdrew the remaining amendments to paragraph 1.

Mr. Hewitt then moved to lay the amendments to paragraph 5 upon the table.

Which motion was lost.

Ayes 13, nays 18.

Ayes—Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Grayson, Hewitt, Little, Martin, Miller, Robinson, Snodgrass and Walton—13.

Nays—Messrs. Black, Cooper, Curtis, Dereen, Doster, Edwards, Ervin, Glass, Goodloe, Hamilton, Haralson, Harris, Hatch, Leftwich, Parks, Pennington, Terrell and Wilson—18.

The amendments to paragraph 5 were then adopted.

Mr. Hewitt moved to lay the amendment to paragraph 24 upon the table.

Which motion was carried.



Mr. Dereen moved to amend, by striking out "one quart" in paragraph 4, line 25, section 109, and inserting in lieu thereof the words "five gallons."

Which was adopted.

Mr. Robinson moved to amend, by striking out line 96, paragraph 30, of section 109, as follows: "Any person or agent inducing emigration from this State, twenty-five dollars."

On motion of Mr. Haralson—

The amendment was laid upon the table.

Mr. Robinson moved to amend, by striking out the words "three thousand," where they occur in line 6, paragraph 2, and line 12, paragraph 3, of section 109, and inserting in lieu thereof the words "five hundred."

On motion of Mr. Haralson—

The amendment was laid upon the table.

Mr. Cobb moved to amend, by striking out line 61, paragraph 11, of section 109, as follows: "For keeping stud horses or jacks. ten dollars."

Which amendment was adopted.

Mr. Terrell moved to amend, by striking out lines 62 and 63, paragraph 12, of section 109.

On motion of Mr. Haralson—

The amendment was laid upon the table.

Mr. Cobb moved to amend line 87, paragraph 24, of section 109, by inserting after "billiard tables," "except those not kept for hire."

On motion of Mr. Hewitt—

The amendment was laid upon the table.

Mr. Black moved to amend as follows:

Amend section 109 by striking out "twenty," where it occurs in line 37, and insert "twenty-five;" strike out "forty," where it occurs in line 38, and insert "fifty;" strike out "sixty," where it occurs in line 39, and insert "one hundred;" strike out "twenty-five," where it occurs in line 47, and insert "two hundred;" strike out "twenty-five," where it occurs in line 51, and insert "five hundred;" strike out "fifteen," where it occurs in line 53, and insert "one hundred."

On motion of Mr. Hewitt—

The amendment was laid upon the table.

Mr. Carmichael moved to reconsider the vote by which the Senate struck out "one quart" and inserted "five gallons" in section 109.

On motion of Mr. Terrell—

The motion was laid upon the table.

Mr. Ervin moved to amend section 110, subdivision 8, by striking out "chicken or cock fight," and inserting "cock-pit."

Mr. Coleman moved to lay the amendment upon the table.

Which motion was lost.

The amendment was then adopted.

Mr. Little moved to amend the same section and subdivision, by striking out "twenty-five" and inserting "fifty."

Mr. Goodloe moved to lay the amendment on the table.

Which motion was lost.

Ayes 6, nays 22.

Ayes—Messrs. Dereen, Goodloe, Hamilton, Martin, Miller and Pennington—6.

Nays—Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Doster, Driesback, Edwards, Ervin, Glass, Grayson, Haralson, Harris, Hatch, Little, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—22.

Mr. Goodloe moved to amend the amendment by inserting "ten thousand."

On motion of Mr. Martin—

The amendment to the amendmant was laid upon the table.

The amendment was then adopted.

Mr. Hewitt moved to amend section 110 as follows, viz:

Strike out 9th subdivision, lines 17 and 18 of said section.

Which amendment was adopted.

Mr. Dereen moved to amend as follows:

Amend section 110, line 3, by striking out "fifty" and insert "twenty-five;" in line 4, by striking out "twenty" and insert "ten."

On motion of Mr. Little—

The amendment was laid upon the table.

Mr. Dereen moved to amend as follows:

Amend section 122, paragraph 5, by striking out the figures "56" in line 14, and insert the figures "55" in lieu thereof.

Amend paragraph 6, line 16, by striking out the figures "61, 62 and 63," and insert in lieu thereof the figures "106."

Amend paragraph 7, line 19, by striking out the figures "10" and insert in lieu thereof figures "99."

Which amendment was adopted.

Mr. Haralson moved to amend as follows:

Amend section 118 by striking out all after the enacting clause and inserting the following:

That it shall be the duty of the Auditor, and he is hereby required to furnish the Treasurer with a supply of adhesive stamps, of the denomination of one dollar and two dollars each, to be printed in separate colors, similar to those used by the United States, and to bear an appropriate device and words "State of Alabama—Tax on Seals, one dollar," or "two dollars," as the case may be; and it shall be his duty to give public notice to that effect to all officers required to employ said stamps under the provisions of this act; and such officers are hereby required and directed to procure such stamps from the Treasurer, from time to time, after the publication of such notice, in such sums as they may deem necessary. And the Treasurer shall sell the stamps aforesaid to such officers, and to no other person, upon the payment by them of the amount or value such stamps represent; Provided, however, That any officer purchasing stamps as aforesaid in the aggregate amount of fifty dollars and upwards, at any one time, shall be allowed a deduction of five per cent. upon the amount or value thereof; and provided further, that the Treasurer must furnish to the probate judges of the State, without advanced pay, the necessary supply of adhesive stamps provided for in this section; and such judges must make monthly returns to the Auditor of all sales of such stamps.

On motion of Mr. Cobb—

The amendment was laid upon the table.

Mr. Parks moved to amend as follows, by way of an additional section:

Sec. —. *Be it further enacted*, That the probate judge is required, upon the redemption of land, to notify the tax assessor and collector thereof, within thirty days after said redemption, and within ten days after demand by either of said officers, shall pay to the officer so demanding the amount of costs and charges to which said officer demanding is entitled upon the land.

Which amendment was adopted.

Mr. Terrell moved to amend by striking out the word

“misdemeanor,” where it occurs in third line of section 123, and inserting in lieu thereof the word “felony.”

Which amendment was adopted.

Mr. Black moved to amend as follows :

Insert a new section after section 42 to read as follows :

Sec. 43. *Be it further enacted*, That the tax assessor shall be entitled to receive from the county treasury such sums as the commissioners court may direct, not to exceed the amount allowed to clerks for certified copies of legal documents, for having complied with the law requiring him to give certified copies of assessment lists and copy of tax book.

On motion of Mr. Hewitt—

The amendment was laid upon the table.

Mr. Hewitt moved to amend section 53 as follows :

Amend by inserting “(3d Monday)” between “term” and “in” in the 2d line of the 53d section.

Which was adopted.

The remaining sections were then adopted.

Bill, as amended, was then read a third time, under suspension of the constitutional rule, and

The question being put,

Shall the bill pass?

It was decided in the affirmative.

Ayes 19, nays 13.

Ayes—Messrs. Black, Carmichael, Coleman, Cunningham, Dereen, Driesbach, Ervin, Hamilton, Haralson, Hatch, Hewitt, Little, Martin, Miller, Parks, Pennington, Snodgrass, Walton and Wilson—19.

Nays—Messrs. Cobb, Cooper, Curtis, Doster, Edwards, Glass, Goodloe, Grayson, Harris, Leftwich, Robinson, Royal and Terrell—13.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 13, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill, in which the concurrence of the Senate is requested, to be entitled as follows :

## AN ACT

To provide food and clothing for the convicts in the penitentiary.

ROBERT BARBER,  
Clerk.

## BILL INTRODUCED.

By leave, Mr. Cobb introduced bill—

To prescribe the time of holding the circuit courts in the 10th judicial circuit.

Which bill was read three times forthwith, under suspension of the constitutional rule, and

Passed.

## JOINT RESOLUTION.

By leave, Mr. Cooper offered the following joint resolution, which was read and adopted :

*Resolved by the Senate of Alabama, the House of Representatives concurring,* That a committee of one from each house be raised to confer with Miss Lockett, the artist, for the purchase of the portrait of the late Governor A. B. Moore, to be permanently placed in the Executive Chamber.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December, 13th, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bills entitled as follows :

## AN ACT

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Huntsville, Madison county, Alabama.

## AN ACT

To provide weights and measures for the county of Dale.

## AN ACT

For the relief of William H. Clemons, tax collector of Chambers county.

## AN ACT

To amend section 2 of an act entitled "An act to incorporate the town of Guntersville in the county of Marshall.

## AN ACT

To authorize the commissioners' court of Marshall county to allow certain claims against said county.

And has amended Senate bill—

To amend an act entitled "An act to incorporate the Selma Building and Loan Association,"

By striking out the words "by the Senate and House of Representatives" in section one, and inserting in lieu thereof "by the General Assembly of Alabama," and passed the same as amended.

ROBERT BARBER,  
Clerk of House.

## STANDING COMMITTEES.

Mr. Cobb, from the Committee on Federal Relations, reported favorably to

Senate bill—

To confer additional powers upon the People's Saving and Loan Association of Eufaula, Alabama.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Mr. Ervin, from the Committee on Finance and Taxation, reported substitute for

Senate bill—

To repeal certain sections of the revenue law of 1868 therein named.

The substitute to be entitled bill—

To amend an act entitled an act to establish revenue laws for the State of Alabama, approved December 31st, 1868.

The report was concurred in, and

The substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Mr. Hamilton, from the Committee on the Judiciary, reported favorably to

Senate bills—

To provide for the redemption of lands sold for taxes and purchased by the State.

To fix the time of election for judges of the supreme court, circuit court and chancellors.

To amend section 9 of an act entitled an act to regulate property exempted from sale for the payment of debts.

To create a new chancery district out of the county of Escambia.

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

Which reports were concurred in, and

Bills severally read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably, with amendment, to

Senate bill—

To provide for keeping a record of suits against the State.

The report was concurred in, and

Amendment adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, substitute for

Senate bill—

To prohibit the issuance of railroad certificates of indebtedness.

The substitute to be entitled bill—

To restrain the courts of this State, their officers and agents from creating liens upon property in litigation to the prejudice of mortgagees, and persons holding liens by statute or contract.

The report was concurred in, and  
Substitute adopted.

Bill, thus amended, was read a third time forthwith,  
under suspension of the constitutional rule, and  
Passed.

Also, from the same committee, a substitute for  
Senate bill—

To prohibit the judges of probate from appointing certain persons therein named guardians ad litem.

The report was concurred in, and  
Substitute adopted.

Bill, thus amended, was read a third time forthwith,  
under suspension of the constitutional rule, and  
Passed.

Also, from the same committee, a substitute for  
Senate bill—

To amend section 2960 of the Revised Code of Alabama.

The report was concurred in, and  
Substitute adopted.

Bill, thus amended, was read a third time forthwith,  
under suspension of the constitutional rule, and  
Passed.

#### BILL INTRODUCED.

By leave, Mr. Coleman introduced bill—

To require the judge of probate of the county of Lauderdale to hold monthly terms of the county court for the trial of misdemeanors.

Which bill was read three times forthwith, under suspension of the constitutional rule, and  
Passed.

#### CONSIDERATION OF HOUSE MESSAGES.

Senate concurred in House amendment to  
Senate bill—

To provide for the support of the common schools of this State for the current year.

House joint resolution—



In relation to memorializing Congress on the subject of education,

Was indefinitely postponed.

House bills—

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages within two miles of Yorgesboro, a station on the Western Railroad of Alabama, and within one mile and a quarter of the kilns of the Chewacla Lime Company, both in the county of Lee.

To fix the time of holding the chancery courts for the county of Cleburne.

To authorize the commissioners court of Wilcox county to make all claims against said county preferred claims when they have been incurred for the comfort and health of prisoners confined in the county jail.

For the relief of Giles Kelly of Coosa county.

To relieve W. C. Witherington, tax collector of Greene county.

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Hilliard Church in Bullock county.

In relation to the fine and forfeiture fund of Marion county.

To define the pay of jurors of Crenshaw county and to authorize the commissioners court to levy a special tax to pay the same.

To prohibit the sale or giving away of vinous or spirituous liquors within four miles of the Round Mountain Iron Works and the Tecumseh Iron Works, or Coaling Grounds, in Cherokee county.

To allow compensation to the tax collector of Tuskalooosa county for making the copy of the book of assessment required by law.

To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous, or malt liquors, intoxicating bitters, or other intoxicating beverages, within two and a half miles of the Pierce Coal Mines in section 12, township 14, range 3, west, and also within two and a half miles of New Castle Coal Mines, in Jefferson county.

To define the liability of persons living in the town or village of Whistler in Mobile county to public road duty.

To prohibit the sale or giving away of vinous or spirituous liquors within two miles of Gaylesville High School,

in Cherokee county ; within two miles of the Methodist Church South, known as Harmony, Elmore county ; within two miles of Hopewell Methodist Church and Hopewell Academy, in the county of Lowndes ; within three miles of the Notasulga Academy, in Macon county. and within three miles of the town of Vernon, Sanford county.

To amend sections 1314 and 1317 of the Revised Code of Alabama, so far as the same relates to Calhoun county.

To authorize the stockholders of the Eureka Mining and Transportation Company of Alabama to change the name of said corporation.

Were severally read three times forthwith, under suspension of the constitutional rule, and

Passed.

House bills—

To amend section four of an act to regulate property exempted from sale for the payment of debts.

To regulate the trial of attachment cases.

To authorize the administrator of Celia Baldwin, deceased, to sell the personal property belonging to said estate at public or private sale.

Were severally read twice, under suspension of the constitutional rule, and

Referred to the Judiciary Committee.

House bill—

To provide for holding a special term of the circuit court of Etowah county to try the case of the State of Alabama vs. William M. Hall ;

Was read twice, under suspension of the constitutional rule, and

Referred to the Committee on the Judiciary, with instructions to report thereon Monday.

House bills—

To authorize the court of county commissioners of the county of Etowah to levy a county tax to pay off the indebtedness of said county.

To secure a more thorough assessment of the real property of the State.

For the relief of Mrs. Mary Ann Taylor.

Were severally read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation.

House bill—

To make appropriations for the fiscal year ending 30th September, 1874.

Was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation, with instructions to report it back at 12 o'clock M. Monday next, and

It was made the special order for that hour.

House bill—

To prevent tax collectors and all others engaged in collecting the revenue of the State, from speculating in State warrants, certificates or other securities of the State.

Was read twice, under suspension of the constitutional rule, and

Referred to the Committee on Finance and Taxation, with instructions to report it back Monday.

House joint resolution—

To provide for the payment of a safe in the office of the Secretary of State;

Was read three times forthwith, under suspension of the constitutional rule, and

The question being put,

Shall the joint resolution pass?

It was decided in the affirmative.

Ayes 26, Nays 0.

Ayes—Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Ervin, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Leftwich, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—26.

Nays—none.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 13, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has passed Senate bill, without amendment, entitled as follows:

#### AN ACT

To authorize the holding of a special term of the cir-

cuit court of Hale county for the disposal of criminal business in the county of Hale.

And ordered the same forthwith to the Senate.

ROBERT BARBER,  
Clerk.

House bill—

For the relief of the city of Montgomery ;

Was read twice, under suspension of the constitutional rule.

Mr. Robinson moved to refer the bill to the Committee on Federal Relations.

Mr. Pennington moved to lay the motion upon the table.

Which latter motion was carried.

Ayes 20, nays 9.

Ayes—Messrs. Black, Cooper, Curtis, Dereen, Driesbach, Edwards, Ervin, Goodloe, Grayson, Haralson, Harris, Hatch, Martin, Miller, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—20.

Nays—Messrs. Carmichael, Cobb, Cunningham, Hamilton, Hewitt, Leftwich, Little, Parks and Robinson—9.

Mr. Carmichael offered the following amendment :

Provided, That no certificate of a less denomination than twenty dollars shall be issued under the provisions of this act.

On motion of Mr. Pennington—

The amendment was laid upon the table.

Ayes 16, nays 12.

Ayes—Messrs. Black, Cooper, Curtis, Dereen, Ervin, Goodloe, Haralson, Hatch, Leftwich, Martin, Miller, Pennington, Royal, Terrell, Walton and Wilson—16.

Noes—Messrs. Carmichael, Cobb, Cunningham, Driesbach, Edwards, Grayson, Harris, Hewitt, Little, Parks, Robinson and Snodgrass—12.

On motion of Mr. Pennington—

The bill was ordered to a third reading on Monday, at 11 o'clock A. M., and it was made the special order for that hour.

Mr. Robinson,

At 3 o'clock and 8 minutes P. M.,

Moved to adjourn until 10 o'clock and 15 minutes A. M. Monday.

Which motion was lost.

Ayes 12, noes 15.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Edwards, Ervin, Haralson, Hatch, Leftwich, Miller, Robinson and Walton—12.

Noes—Messrs. Cobb, Cooper, Cunningham, Driesbach, Goodloe, Grayson, Hamilton, Hewitt, Little, Martin, Parks, Pennington, Snodgrass, Terrell and Wilson—15.

#### ENGROSSED BILLS.

Mr. Dereen, from Committee on Engrossed Bills, reported the following bill as correctly engrossed :

Bill—

For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama.

#### MUNICIPAL AND COUNTY ORGANIZATIONS.

Mr. Parks, from the Committee on Municipal and County Organizations, reported substitute for

Senate bill—

To repeal an act approved December 7th, 1866.

The substitute to be entitled, bill

To amend the following sections of the Revised Code of Alabama, to-wit: Sections number 3514, 3515, 3517, 3518, 3520, 3521, 4333, 4335, 4337, 4338, 4339, 4340, 4341, 4342, 4363, 2730, 2960 and 3527.

Pending the consideration of which,

#### ADJOURNMENT.

On motion of Mr. Carmichael—

At 3 o'clock and 20 minutes P. M.,

The Senate adjourned until 10 o'clock and 15 minutes A. M. Monday.

Ayes 16, noes 11.

Ayes—Messrs. Black, Carmichael, Curtis, Dereen, Edwards, Ervin, Hamilton, Haralson, Harris, Hatch, Leftwich, Little, Miller, Robinson, Walton and Wilson—16.

Noes—Messrs. Cobb, Cooper, Cunningham, Driesbach, Grayson, Hewitt, Martin, Parks, Pennington, Snodgrass and Terrell—11.

MONDAY, December 15, 1873.

The Senate met pursuant to adjournment.

# ROLL CALL.

Upon the call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Hewitt, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—30.

The Journal of Friday and Saturday was read and approved.

# CONCURRENCE.

Senate concurred in House amendment to Senate bill—

To amend an act entitled an act to incorporate the Selma Building and Loan Association.

Mr. Dereen called up House joint resolution—

To provide additional per diem to journal and recording clerks of this House.

The question being upon concurring in the adverse report of the committee,

The report was concurred in.

Ayes, 17; noes, 11.

Ayes—Messrs. Charmichael, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Grayson, Harris, Hewitt, Little, Parks, Robinson, Royal, Snodgrass and Walton—17.

Noes—Messrs. Black, Curtis, Dereen, Haralson, Hatch, Jones, Leftwich, Martin, Miller, Pennington and Terrell—11.

# SPECIAL ORDER.

At 11 o'clock A. M., the special order set for that hour came up, it being

House bill—

For the relief of the city of Montgomery.

Bill was read a third time.

Mr. Black moved to reconsider the vote by which the bill was ordered to a third reading.

On motion of Mr. Pennington—

The motion was laid upon the table.

The question then being put,

Shall the bill pass?

It was decided in the affirmative.

Ayes 15, noes 11.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Ervin, Goodloe, Haralson, Hatch, Jones, Martin, Miller, Pennington, Royal, Walton and Wilson—15.

Noes—Messrs. Carmichael, Coleman, Cooper, Edwards, Grayson, Hewitt, Little, Parks, Robinson, Snodgrass and Terrell—11.

Mr. Parks called up

Senate bill—

To repeal an act approved December 7th, 1866.

The question being upon concurring in the report of the Committee on Municipal and County Organizations, The report was concurred in.

The substitute reported by the committee was then adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Mr. Doster called up

House bill—

To provide food and clothing for the convicts in the Penitentiary.

Bill was read twice under suspension of the constitutional rule.

Mr. Robinson offered the following amendment:

*“Provided, That the said sum of ten thousand dollars herein provided shall be returned to the Treasury of the State out of the net products arising from the future operations of the Penitentiary farm, before any amount can be paid over to the holders of the bonds issued in payment of said farm.”*

On motion of Mr. Pennington—

The amendment was laid upon the table.

Ayes 20, noes 12.

Ayes—Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Doster, Glass, Goodloe, Grayson, Haralson,

Harris, Hatch, Jones, Leftwich, Martin, Miller, Pennington, Royal, Snodgrass and Wilson—20.

Noes—Messrs. Cobb, Coleman, Cooper, Driesbach, Edwards, Ervin, Hewitt, Little, Parks, Robinson, Terrell and Walton—12.

Mr. Hewitt moved to refer the bill to the Committee on Finance and Taxation.

On motion of Mr. Pennington—

The motion was laid upon the table.

Mr. Robinson moved to amend by striking out “ten thousand” and inserting “five thousand.”

On motion of Mr. Pennington—

The amendment was laid upon the table.

Ayes 23, noes 9.

Ayes—Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Doster, Glass, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Little, Martin, Miller, Pennington, Royal, Snodgrass, Walton and Wilson—23.

Noes—Messrs. Cobb, Coleman, Driesbach, Edwards, Ervin, Hewitt, Parks, Robinson and Terrell—9.

Mr. Coleman moved to refer the bill to a select committee.

On motion of Mr. Pennington—

The motion was laid upon the table.

On motion of Mr. Pennington—

The bill was ordered to a third reading at 11 o'clock A. M. to-morrow.

#### FINANCE AND TAXATION.

At 12 o'clock M. the special order set for that hour came up, it being a report from a committee.

Mr. Ervin, from the Committee on Finance and Taxation, reported favorably, with amendment, to

House bill—

To make appropriations for the fiscal year ending 30th September, 1874.

The amendment was as follows:

Amend 30th line by inserting after the words “two hundred dollars each,” “for preparing for publication fair copies of the journals of each house of the General Assembly the present session.”

The report was concurred in, and



The amendment adopted.

The bill, thus amended, was then read a third time, under suspension of the constitutional rule, and

The question being put,  
Shall the bill pass?

It was decided in the affirmative.

Ayes 26, nays 0.

Yeas—Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Little, Martin, Miller, Parks. Pennington, Robinson, Royal, Snodgrass, Terrell and Walton—26.

Nays—none.

Mr. Ervin, from the Committee on Finance and Taxation, reported favorably to

House bill—

To secure a more thorough assessment of the real property of the State.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, favorably, with amendments, to

House bill—

To prevent tax collectors, and all others engaged in collecting the revenue of the State, from speculating in State warrants, certificates, or other securities of the State.

The report was concurred in, and

Amendments adopted.

Bill, thus amended, was then read a third time, under suspension of the constitutional rule, and

Passed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 15, 1873. }

*Mr. President.*

I am directed to inform the Senate that the House of Representatives has passed Senate bill, without amendment, entitled as follows:

AN ACT

To establish an inferior court of record in the town of Decatur, Alabama.

ROBERT BARBER,  
Clerk.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, }  
EXECUTIVE DEPARTMENT, }  
Montgomery, December, 15, 1873. }

*Mr. President :*

I am instructed by the Governor to inform the Senate that on the 13th instant he approved the following bills which originated in the Senate :

AN ACT

To prevent judges of the circuit, criminal and city courts from holding any other office during their respective terms of office.

AN ACT

To fix the terms of office of certain municipal officers in the city of Mobile.

AN ACT

To provide for the payment of the debt of Butler county.

AN ACT

To prohibit the sale or giving away of spirituous, vinous or malt liquors within two and one-half miles of Dudleyville Academy, in the county of Tallapoosa.

AN ACT

To prohibit any person from selling, giving away or

otherwise disposing of spirituous liquors within four miles of the following named churches: Letohatchie Methodist, Tabernacle Methodist, in Montgomery county, six miles northeast of Letohatchie, Steep Creek Baptist Church, three and one-half miles northwest of Letohatchie, in the county of Lowndes, and Pleasant Valley Methodist Church in said county.

Respectfully,

CHARLES J. ATKINSON,  
Recording Secretary.

#### JUDICIARY COMMITTEE.

Mr. Hamilton, from the Committee on the Judiciary, reported adversely to

House bill—

To amend section four of an act entitled an act to regulate property exempted from sale for the payment of debts.

The bill was laid upon the table.

Also, from the same committee, adversely to

House bill—

To provide for holding a special term of the circuit court of Etowah county to try the case of the State of Alabama vs. Wm. M. Hall.

Which adverse report was concurred in.

Also, from the same committee, favorably, with amendment, to

House bill—

To regulate the trial of attachment cases.

The report was concurred in, and

Amendment adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### FEDERAL RELATIONS.

By leave, Mr. Cobb, from the Committee on Federal Relations, reported favorably to

Senate bill—

To amend an act entitled an act to re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank of Montgomery.

The report was concurred in, and  
 Bill read a third time forthwith, under suspension of  
 the constitutional rule, and  
 Passed.

Mr. Curtis called up  
 Senate bill—

To repeal an act entitled an act to encourage the supply  
 to the people of this State of cooking stoves, and appur-  
 tenances thereto, at reasonable prices, approved March  
 29th, 1873.

Bill was read a third time, and  
 Passed.

#### JOINT RESOLUTION.

By leave, Mr. Robinson offered  
 Joint resolution—

Fixing the time of the adjournment of the present ses-  
 sion of the General Assembly.

Mr. Grayson moved to amend by striking out “12  
 o’clock M.” and inserting “2 o’clock P. M.”

Mr. Cobb moved to amend the amendment by inserting  
 “11 o’clock P. M.”

On motion of Mr. Pennington—

The joint resolution and amendments were laid upon  
 the table.

#### BILL INTRODUCED.

By leave, Mr. Cooper introduced bill—

Making it unlawful for any person to sell, give or make  
 use, by drinking in a public place, any vinous or spirituo-  
 us liquors in, at or within five miles of the town of Cen-  
 tre, the county seat of Cherokee county, and for other  
 purposes therein shown.

Which bill was read three times forthwith, under sus-  
 pension of the constitutional rule, and

Passed.

#### REPORTS FROM STANDING COMMITTEES.

By leave, Mr. Hamilton, from the Committee on the  
 Judiciary, reported favorably to  
 Senate bill—

To create the eleventh chancery district of the northern chancery division.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### LOCAL LEGISLATION.

By leave, Mr. Martin, from the Committee on Local Legislation, reported favorably to

Senate bill—

To authorize the commissioners court of Crenshaw county to issue bonds.

The report was concurred in, and

Bill read a third time, under suspension of the constitutional rule, and

Passed.

#### MUNICIPAL AND COUNTY ORGANIZATIONS.

By leave, Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to

Senate bills—

To better define the corporate limits of the town of Scottsboro in the county of Jackson, and to limit the powers of taxation of the corporate authorities of said town;

To provide for the appointment of two inspectors of public roads in each of the election precincts in Jackson county, where it may be deemed by the commissioners court of said county necessary to the promotion of the public good;

To authorize the commissioners court of Dallas county to provide a court house, and to dispose of court houses belonging to said county.

The reports were concurred in, and

Bills severally read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### FINANCE AND TAXATION.

By leave, Mr. Ervin, from the Committee on Finance and Taxation, reported substitute for

House bill—

For the relief of Mrs. Mary Ann Taylor of Montgomery county.

The report was concurred in, and

Substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### INTERNAL IMPROVEMENTS.

By leave, Mr. Pennington, from the Committee on Internal Improvements, reported favorably to

Senate bills—

To repeal an act entitled an act declaring White Water in Coffee county a public highway, approved February 29, 1848.

To prevent injury to railroad cars in use for transportation of passengers or merchandise.

To repeal an act to protect the planters of this State from imposition in the sale of fertilizers.

The reports were concurred in, and

Bills severally read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

Also, from the same committee, adversely to

Senate bill—

To amend section one of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee county, approved February 10, 1852.

Which adverse report was not concurred in.

Bill was then read a third time forthwith, under suspension of the constitutional rule, and

Passed.

#### BILLS INTRODUCED.

By leave, the following bills were introduced:

By Mr. Hewitt—

In relation to the public free schools of the city of Birmingham.

By Mr. Martin—

To prohibit any person from selling, giving away, or otherwise disposing of any spirituous, vinous or malt

liquors within three miles of Fayette Court House in the county of Fayette.

By Mr. Martin—

To authorize the Governor to issue a patent to Elias Moss of Sanford county for certain lands therein named.

By Mr. Walton—

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or milt liquors within the confines of beat No. 7 in Choctaw county.

Which bills were severally read three times forthwith, under suspension of the constitutional rule, and Passed.

By leave, Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to Senate bill—

To incorporate the Mineral City Fire Company No. 2 of Birmingham, Alabama, as an engine or hose company for municipal purposes.

The report was concurred in, and

Bill read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Mr. Robinson called up

Senate bill—

For the relief of James T. Walton.

On motion of Mr. Robinson—

The bill was amended by striking out ‘James’ and inserting ‘John.’

Mr. Goodloe moved to amend by inserting the name of Washington Patterson of Colbert county.

Which amendment was adopted.

Mr. Doster moved to amend by inserting the name of Lawrence Williams of Autauga county.

Which amendment was adopted.

Mr. Coleman moved to amend by inserting the name of Kiah Strother of Limestone county.

Which amendment was adopted.

Mr. Martin moved to indefinitely postpone the bill.

Which motion was lost.

Mr. Terrell moved to order the bill to a third reading on to-morrow.

Mr. Martin moved to lay the motion upon the table.

Which motion was lost.

Mr. Martin, at 1 o'clock and 54 minutes P. M., moved to adjourn.

Which motion was lost.

Mr. Grayson moved to amend by inserting the name of Mary E. Griffin of Madison county.

Which amendment was adopted.

Mr. Hewitt moved to refer the bill to a select committee, with instructions to report to-morrow.

On motion of Mr. Haralson—

The motion was laid upon the table.

On motion of Mr. Martin—

Bill was ordered to a third reading on to-morrow at 10 o'clock and 30 minutes A. M.

#### ENROLLED BILLS.

Mr. Carmichael, from the Committee on Enrolled Bills, reported as correctly enrolled :

#### AN ACT

To provide for the support of the common schools of the State for the current year.

#### AN ACT

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley of Huntsville, Madison county, Alabama.

#### AN ACT

For the relief of the Shapard Hall Female College, at LaFayette, Ala.

#### AN ACT

To authorize executors, administrators, guardians and trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.

#### AN ACT

To authorize the holding of a special term of the circuit court of Hale county for the disposal of criminal business in the county of Hale.



## AN ACT

To repeal an act approved March 3, 1870, entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," so far as the same applies to the county of St. Clair.

## AN ACT

To authorize the court of county commissioners for the county of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company or others holding the bonds of said county heretofore issued by said county to the said Savannah and Memphis Railroad Company.

## AN ACT

To provide weights and measures for the county of Dale.

## AN ACT

For the relief of William H. Clemons, tax collector of Chambers county.

## AN ACT

To amend section 2 of an act entitled an act to incorporate the town of Guntersville in the county of Marshall.

## AN ACT

To authorize the commissioners' court of Marshall county to allow certain claims against said county.

## ENGROSSED BILLS.

Mr. Dereen, from the Committee on Engrossed Bills, reported as correctly engrossed:  
Bills—

To amend section 9 of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23, 1873.

To create a new chancery district out of the counties of Conecuh and Escambia.

To provide for keeping a record of suits against the State.

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

To prohibit the judges of the probate court from appointing certain persons therein named guardians ad litem.

To fix the time of election for judges of the supreme court, circuit court and chancellors.

To amend section 2960 of the Revised Code of Alabama.

To restrain the courts of this State, their officers and agents from creating liens upon property in litigation to the prejudice of mortgagees, and persons holding liens by statute contract therein.

#### ADJOURNMENT.

On motion of Mr. Leftwich—

At 2 o'clock and 10 minutes P. M.,

Senate adjourned until 10 o'clock and 15 minutes A. M. to-morrow.

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TUESDAY, December 16, 1873.

The Senate met pursuant to adjournment.

#### PRAYER.

Prayer by Rev. Dr. Petrie of Montgomery.

#### ROLL CALL.

Upon a call of the roll, the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Glass, Goodloe, Grayson, Hamilton, Haral-

son, Harris, Hatch, Hewitt, Jones, Leftwich, Little, Martin, Miller, Parks, Pennington, Robinson, Royal, Snodgrass, Terrell, Walton and Wilson—33.

#### JOURNAL.

On motion of Mr. Cooper—

The reading of the Journal of yesterday was dispensed with.

#### ENROLLED BILLS.

Mr. Edwards, from the Committee on Enrolled Bills, reported as correctly enrolled :

#### AN ACT

To amend an act entitled an act to incorporate the Selma Building and Loan Association.

#### AN ACT

To remove the administration of the estate of Thomas C. Daniel, deceased, from the county of Autauga to the county of Perry.

#### AN ACT

To codify and revise the statute laws of the State of Alabama of a general and public nature.

#### AN ACT

To establish an inferior court of record in the town of Decatur, Alabama.

#### RECONSIDERATION.

On motion of Mr. Hewitt—

The vote by which Senate, on yesterday, passed House bill—

To make appropriations for the fiscal year ending 30th September, 1874,

Was reconsidered.

The vote by which bill was ordered to a third reading was then reconsidered.

The vote by which the amendment reported by the committee was adopted, was then reconsidered.

Mr. Hewitt then offered the following amendment to the amendment, which was adopted :

Amend amendment by striking out said amendment, and inserting the following in lieu thereof, viz. : Amend 30th line by inserting after the word "House" where it occurs in said line the following words, viz., "four hundred and fifty dollars to the Secretary of the Senate for copying Journal of the Senate for the present session, and of the Journal of the Senate of the Capitol Legislature, for the Public Printer.

"Three hundred and fifty dollars to the Clerk of the House for copying Journal of the House for the present session, for the Public Printer.

"And one hundred dollars as compensation to Ellis Phelan for copying Journal of the House of the Capitol Legislature."

Bill, thus amended, was read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

#### SELECT COMMITTEE.

Mr. Miller, from the select committee, reported substitute for

Senate bill—

Authorizing the Superintendent of Public Instruction to compromise the liability of the sureties on the official bond of Wm. J. Gilmore, late Superintendent of Public Schools in Choctaw county.

The report was concurred in, and

Substitute adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitution rule, and

Passed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
 December 16, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed a bill in which the concurrence of the Senate is requested, to be entitled as follows :

## AN ACT

To provide for the adjustment of the claims of all agents, commissioners and all other persons claiming compensation for services rendered in selecting and securing titles to the swamp and overflowed lands in the State of Alabama.

And has passed, without amendment, Senate bills, as follows :

## AN ACT

To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars, for certain purposes therein named.

## AN ACT

To require the criminal docket in the circuit court for Talladega county to be set for trial on the third week of the term.

## AN ACT

Making it unlawful for any persons to sell, give or make use by drinking in a public place, any vinous, spirituous, or intoxicating liquors in, at, or within five miles of the town of Centre, the county seat of Cherokee county, and for other purposes, as therein shown.

## AN ACT

To amend section one of an act entitled an act to in-

corporate the Elba Manufacturing Company, in Coffee county, approved Feb. 10th, 1852.

## AN ACT

To repeal an act entitled an act declaring White Water, in Coffee county, a public highway, approved Feb. 29, 1848.

## AN ACT

To authorize Ann S. Prince, administratrix of the estate of Oliver T. Prince, deceased, to sell certain lands of said estate at private sale for the purpose of paying the debts of decedent.

And has amended and passed Senate bills, entitled as follows :

## AN ACT

To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871.

## AN ACT

To provide for the funding of the domestic debt of this State.

And has concurred in Senate amendment to House bill, entitled

## AN ACT

To prevent tax collectors and all others engaged in collecting the revenue of the State, from buying, selling or otherwise trading in State warrants, certificates or other securities of the State.

ROBERT BARBER,  
Clerk of House.

## CONCURRENCE.

On motion of Mr. Hewitt—  
Senate concurred in House amendment to

Senate bill—

To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871.

#### HOUSE BILL.

House bill—

To provide for the adjustment of the claims of all agents, commissioners and all other persons claiming compensation for services rendered in selecting and securing titles to the swamp and overflowed lands in the State of Alabama.

Was read three times forthwith, under suspension of the constitutional rule, and

Passed.

Mr. Robinson called up

Senate bill—

For the relief of John T. Walton.

Mr. Coleman moved to refer the bill to the Committee on the Judiciary.

On motion of Mr. Terrell—

The motion was laid upon the table.

And the question being put,

Shall the bill pass?

It was decided in the negative.

Yeas 13, nays 15.

Yeas—Messrs. Curtis, Dereen, Goodloe, Grayson, Haralson, Hatch, Jones, Little, Parks, Pennington, Robinson, Royal and Terrell—13.

Nays—Messrs. Carmichael, Cobb, Coleman, Cunningham, Doster, Driesbach, Edwards, Ervin, Hamilton, Harris, Hewitt, Martin, Miller, Walton and Wilson—15.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
December 16, 1873. }

*Mr. President:*

The House has passed, with an amendment,

Senate bill—

To authorize the purchasers, and their assigns, of the railroad, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to

organize under the corporate name of the New Orleans and Mobile Railroad Company and to exercise the corporate rights, franchises and privileges of the said Company under that name as to the railroads east of the west bank of the Mississippi river.

And without amendment,  
Senate bill—

To authorize Mrs. Virginia Owen Green, wife of Thos. F. Green, of the county of Jefferson to purchase property and to mortgage the same for the security of the unpaid purchase money.

ROBERT BARBER,  
Clerk of House.

Mr. Ervin called up  
Senate bill—

To provide for the funding of the domestic debt of this State.

The question being upon concurring in House amendments to the bill.

Mr. Terrell moved to refer bill and amendments to the Committee on the Judiciary.

On motion of Mr. Carmichael—

The motion was laid upon the table.

Mr. Hewitt moved to postpone the further consideration of the bill until seven o'clock and thirty minutes P. M.

On motion of Mr. Pennington—

The motion was laid upon the table.

Yeas 15, nays 13.

Yeas—Messrs. Carmichael, Curtis, Dereen, Ervin, Goodloe, Grayson, Hamilton, Haralson, Hatch, Martin, Parks, Pennington, Royal, Walton and Wilson—15.

Nays—Messrs. Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Harris, Hewitt, Little, Robinson, Snodgrass and Terrell—13.

Mr. Robinson moved to return bill to the House for correction of certain clerical errors.

On motion of Mr. Martin—

The motion was laid upon the table.

Yeas 18, nays 11.

Yeas—Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Driesbach, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Martin, Miller, Pennington, Walton and Wilson—18.



Nays—Messrs. Cobb, Coleman, Cooper, Doster, Edwards, Hewitt, Little, Parks, Robinson, Snodgrass and Terrell—11.

Mr. Terrell moved to suspend the further consideration of the bill to allow the Committee on Finance and Taxation to report a certain bill.

On motion of Mr. Martin—

The motion was laid upon the table.

The question then recurring,

Shall the Senate concur in the amendments of the House to the bill?

It was decided in the affirmative.

Yeas 20, nays 11.

Yeas—Messrs. Black, Carmichael, Curtis, Dereen, Driesbach, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Miller, Pennington, Royal, Walton and Wilson—20.

Nays—Messrs. Cobb, Coleman, Cooper, Doster, Edwards, Hewitt, Little, Parks, Robinson, Snodgrass and Terrell—11.

Mr. Martin moved to reconsider the vote last taken.

On motion of Mr. Haralson—

The motion was laid upon the table.

Yeas 21, nays 9.

Yeas—Messrs. Black, Carmichael, Curtis, Dereen, Driesbach, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Miller, Pennington, Royal, Terrell, Walton and Wilson—21.

Nays—Messrs. Cobb, Coleman, Cooper, Doster, Edwards, Hewitt, Little, Parks and Snodgrass—9.

#### MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
December 16, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has passed Senate bill, with amendment, to be entitled as follows :

## AN ACT

Relating to the term of office of the several tax collectors in this State.

ROBERT BARBER,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
December 16, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has originated and passed bills, in which the concurrence of the Senate is requested, to be entitled as follows:

## AN ACT

To authorize the court of county commissioners of Winston county to grant license to keep public ferries in said county.

## AN ACT

To regulate the confinement and discharge of persons charged with misdemeanors.

And ordered the same forthwith to the Senate without engrossment.

ROBERT BARBER,  
Clerk.

## BILL INTRODUCED.

By leave, Mr. Haralson introduced bill—

For the relief of the First National Bank of Mobile and the Commercial National Bank of Mobile.

Which bill was read twice under suspension of the constitutional rule.

On motion of Mr. Hewitt—

The bill was indefinitely postponed.

Ayes 17, nays 11.

Ayes—Messrs. Carmichael, Cobb, Coleman, Curtis, Driesbach, Edwards, Grayson, Harris, Hewitt, Jones,

Leftwich, Little, Miller, Robinson, Snodgrass, Terrell and Wilson—17.

Nays—Messrs. Black, Dereen, Ervin, Goodloe, Hamilton, Haralson, Hatch, Martin, Parks, Pennington and Royal—11.

# MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor by Mr. Atkinson, and read :

EXECUTIVE DEPARTMENT, }  
STATE OF ALABAMA, }  
Montgomery, December 15, 1873. }

*To the Honorable Senate of the State of Alabama :*

GENTLEMEN—I have the honor to return to you the bill entitled “An act to amend an act entitled ‘An act to incorporate the National Hotel Company of Selma,’ ” with my objections to the approval of the same.

The third section of the said bill provides that “said company may give musical entertainments, charades and tableaux, and distribute a part of the proceeds arising from a sale of the tickets thereto, amongst the holders thereof, in such manner and by such means as to the said company shall seem proper.”

It is respectfully submitted that this power opens a field of operation for chance and lottery that will be pushed to its utmost tension, for the gain of the holders of the franchise. It will beget and develop a spirit of money-making by sacrificing on the shrine of chance the hard earnings of poor people, that will not only be highly demoralizing, but altogether unfavorable to the thrift of labor by the sweat of the brow. The hopes of rapid gain, without labor, though always delusive to the masses, is a most successful snare for the laity.

But the most objectionable feature of this bill is that, being a grant of charter to a private corporation, it cannot be repealed by the Legislature, whatever may be the injury resulting from the same. If this authority were limited to some fixed time, for some commendable purpose, or if the power were reserved by the General Assembly to repeal the same, at its discretion, much would be removed that is objectionable. But I cannot sanction

the engrafting of such clause on an irrepealable charter, which may inflict many evils on the community.

I have the honor to be,

Your Ob't. Servant,

DAVID P. LEWIS,  
Governor.

The Senate proceeded to reconsider the bill, and

The question being put—

Shall the bill pass, notwithstanding the veto of the Governor?

It was decided in the negative.

Ayes 4, noes 18.

Ayes—Messrs. Cunningham, Curtis, Driesbach and Haralson—4.

Noes—Messrs. Carmichael, Cobb, Cooper, Doster, Edwards, Ervin, Goodloe, Grayson, Hamilton, Harris, Hewitt, Leftwich, Little, Miller, Pennington, Snodgrass, Terrell and Walton—18.

#### CONCURRENCE.

Senate concurred in House amendment to

Senate bill—

Relating to the term of office of the several tax collectors of this State.

#### JOINT COMMITTEE.

Mr. Carmichael, from the Joint Committee "To enquire into the irregularities alleged against the Department of Education by the Commissioners appointed by His Excellency, the Governor," submitted the following report, which was read and ordered to be spread upon the Journal of the Senate:

#### REPORT.

*Mr. President:*

The joint committee created in pursuance to a joint resolution of the General Assembly of Alabama, authorizing the appointment of a joint committee of the two Houses of the General Assembly, charged with the "duty of inquiring into the irregularities alleged against the Department of Education, by the commissioners appoint-

ed by His Excellency, the Governor," respectfully submit, that they have confined their investigation entirely within the scope of the original resolution, a want of time absolutely forbidding their acting in pursuance to the amendment to the original resolution, and therefore respectfully submit the following as the result of their investigation, together with their conclusions based thereon :

In the month of May or June, 1873, there was paid into the Educational Department, on account of the sixteenth section funds, the sum of five hundred and sixty-five dollars, which was not certified and paid into the Treasury, until December 10, 1873, a period subsequent to the commencement of the investigation by this committee. That said sum should have been certified and paid into the Treasury before the end of the fiscal year, September 30, 1873, there can be no doubt, but a failure to so pay it, within the period indicated, is accounted for by the Superintendent with the statement that he was necessarily absent from his office in consequence of sickness in his family, from about the first of June last, until the beginning of the present session of the General Assembly. Said sum is confessed to have been received by the Educational Department in current funds of the United States, and was paid into the Treasury in what is denominated "State certificates."

During the Superintendent's absence, Mr. Dalton, the chief clerk in the Department of Education, employed Mr. Levey, an employee of the office, to print certain "letter-heads" for the Department, paying therefor out of the Educational contingent fund, which is regarded by the committee as altogether inexcusable, in view of the fact that there is a law of the State under which a State printer is elected, whose duty it is to do the public printing for all the Departments, including that of Education.

The committee have carefully examined the accounts and vouchers in the matter of the "Bradshaw settlement," and are forced, by the evidence before them, to the irresistible conclusion that a large number of vouchers used by Bradshaw on former settlements were abstracted from the Department of Education, by some person or persons unknown to the committee, and were used again by Bradshaw's administrator in his settlement with the Department, made September 18th, 1873.

In this connection, it may not be amiss to state that Bradshaw's administrator, Dr. Cloud, late Superintendent of Public Instruction, and D. L. Dalton and J. M. Levey, clerks in the Department, were the persons present when said settlement was made.

That a notable attempt has been made to perpetrate a monstrous fraud upon the Department of Education, there can be no sort of doubt, as may be seen from a statement of the account and vouchers of Bradshaw herewith submitted, as made by the committee, and made a part of this report; and while the committee do not charge fraud and corruption directly upon any one, yet they respectfully submit, that the fact that a large number of the vouchers used in the settlement of September 18th, 1873, had been used in former settlements, must necessarily have been known by any one having the books and papers of the Department before them.

While the committee are forced, by the facts in their possession, to condemn the conduct of those employed as clerical aids in the Department of Education, as evidencing a want of integrity, or an almost total want of capacity, yet justice to Col. Speed, the Superintendent of Public Instruction, demands of them to say that when the "Bradshaw settlement" was made, he was unavoidably absent from his Department, and had nothing whatever to do with it, and since the investigation by the committee began, has afforded them every aid and facility within his power to enable them to make it thorough and complete, as to the matters involved in the report of the commissioners appointed by His Excellency, the Governor.

The committee having been called upon by J. M. Levey, a subordinate in the Department of Education, to protect him and do him justice, appointed a sub-committee, consisting of Messrs. Martin and Draxler, to wait upon Mr. Levey and procure from him a written statement of his connection with, and knowledge of said settlement, which statement is herewith submitted and asked to be made a part of this report.

While the committee have arrived at the balance due the Department of Education by Bradshaw, as may be seen from the statement herewith submitted, yet they wish to be distinctly understood, that in the examination of the matter they did not undertake to pass upon the

validity of the vouchers submitted, but treated them as if proper for all the purposes of the investigation.

The committee has made but a cursory examination of the general management of the internal affairs of the Educational Department, yet it has been sufficient to convince them that there is such a want of system in its general management as must necessarily keep it involved in inextricable confusion.

In conclusion, the committee respectfully beg leave to state that they have devoted all the time within their control to the discharge of the duty incumbent upon them, and that the investigation, as to the matters involved in the report of the commissioners appointed by His Excellency, the Governor, has been as full and complete as the time at their command would admit of.

All of which is respectfully submitted.

J. M. CARMICHAEL, 33d District,  
Chairman ;

J. M. MARTIN, 9th District ;

J. E. BROWN, of Jackson ;

J. M. MOSS, of Madison ;

FRANK DRAXLER, of Mobile.

MONTGOMERY, ALABAMA, }  
December 14, 1873. }

*Hon. John M. Martin, Chairman Joint Committee :*

Sir—After offering my grateful thanks to your committee for the kindness shown me in respect to the matter now being investigated in the Department of Education, I most respectfully submit the following statement of my knowledge of the settlement with the administrator of R. Bradshaw, deceased, late superintendent of education for Sumter county.

About the 18th day of September last, there was unusual excitement in the city of Montgomery, consequent upon the announcement that yellow fever had made its appearance here. Large numbers of citizens were leaving daily in great haste ; and several of the officers and employees of the State Departments had also left.

Mr. D. L. Dalton being chief clerk in the Department of Education, I asked and obtained leave of absence, for the purpose of making arrangements to remove my family from the city during the epidemic. This was about

the 17th or 18th of September. After obtaining leave of absence, I called every morning at the office of the Superintendent of Public Instruction to see if there was any work for me to do. Whenever Mr. Dalton had any work to do, I did it, and went about getting my family away. One morning (I think it was the 18th of September) I called at the office to see if there was any work for me; then Mr. Dalton informed me that Mr. Bradshaw had been in the office the day before for the purpose of settling his father's account; that he had gone out to get Dr. Cloud to assist at the settlement; that he would be at the office that morning, and I must remain. Shortly thereafter, Mr. Bradshaw called at the office, accompanied by Dr. Cloud. I was introduced to Bradshaw by Mr. Dalton. After a few moments consultation, Mr. Bradshaw exhibited a large lot of papers, purporting to be receipts for school moneys expended by his father. These papers were examined by Mr. Dalton for the purpose of allowing such of them as might be considered valid. Such of them as were accepted as valid vouchers were noted down by me in accordance with Mr. Dalton's orders. When Mr. Dalton would allow a paper, I put down the amount on a blank sheet, until enough had been thus allowed to balance debit entries on the book where I found the account. I have omitted to state that when Mr. Bradshaw and Dr. Cloud called at the office, Mr. Dalton told me to examine the books and see how much Bradshaw's account was behind. After searching for some time, I found some entries, pointed them out to Dalton, and he accepted the same as a basis upon which the vouchers were allowed. After sufficient papers had been allowed by Mr. Dalton as valid, he instructed me to enter the credits which now appear upon the books. I did so. After Mr. Dalton had ceased to examine the remaining papers of Bradshaw, he instructed me to write out a check for \$72.64, which was to close the settlement. That check remained in the office safe about one month, to the best of my recollection, when Mr. Dalton instructed me to carry it to the First National Bank for collection. I did as I was directed, and have not since seen the check. After these vouchers had been allowed, Bradshaw exhibited a large lot of other papers, saying they were also receipts for the same period.

I beg permission to state to the committee, that during my term of service in the Department of Education, Col.



Speed was absent on account of sickness nearly the whole time; that during his absence I obeyed the chief clerk in every order, the same as if given by Col. Speed himself; that I had no right to accept or reject any paper presented at the office; that I did all the work in strict accordance with orders of Mr. Dalton; and that every line written by me, and every entry made by me, was in accordance with orders of Mr. Dalton. After consultation with friends, whose opinions and advice I honor above any other (which I did in accordance with advice by yourself,) I must humbly beg your committee to examine my work in the office, for the purpose of ascertaining my efficiency for the subordinate position which I hold. I also must beg leave to submit the following statement:

A discrepancy appears in the Auditor's report as compared with the Superintendent's report, in relation to the sixteenth section fund. During my absence from the office, Mr. Dalton made a settlement with J. T. B. Ford, of Escambia county, in reference to certain sixteenth section purchases. Mr. Dalton never informed me of this settlement (that I might make proper entries) until the above reports had been made. Col. Speed knew nothing of this settlement, as he was absent.

During my absence from the office at another time, Mr. Dalton issued certificates to Sparta normal school. He never informed me (that I might make the proper entries) until your committee had visited the office of the Superintendent of Public Instruction.

In a statement made by me to your committee while in said office, I asserted that a receipt for \$2,900 given by M. C. Kinnard to R. Bradshaw was seen by me among the old papers with which the new ones were filed. That receipt appears now to be missing. I can only state to the committee that I was absolutely certain that I read that receipt when the recent settlement was made.

When the settlement was made with Mr. Bradshaw, I placed the papers allowed by Mr. Dalton in three separate envelopes, marked them in ink, giving the amount of dollars and cents, date of file, the year for which they purported to be vouchers, and filed them with other papers of same periods. Those envelopes were not seen by your committee, because they had been substituted by others, labelled by Mr. Dalton. During my absence from the office at another time, Mr. Dalton issued certificates to the superintendent of Talladega county, and failed to

inform me (that I might make the proper entries) until the report of the Superintendent of Public Instruction had been made. In all the discrepancies thus appearing I humbly beg your committee to inquire into, that justice may be done me, and the facts known why the books of the department vary from those of the Auditor.

I have made a candid and truthful statement of all I know concerning the Bradshaw settlement. I have stated all that was done and said in my presence, Although I thought at the time that the settlement ought not to have been made, and even suggested that Col. Speed ought to be present, yet I had no authority in the matter whatever, nor did I assume any.

I endeavored to discharge my duties as a subordinate faithfully, and never, in one single instance, did I fail to obey any order given me by Mr. Dalton. He informed me that he had full authority over all the affairs of the department, and I so recognized him. He signed all the papers officially, and signed his name frequently to official communications as chief clerk.

Again tendering my grateful thanks for your consideration towards me, I have the honor to be,

Very respectfully,

Your obedient servant,

J. M. LEVEY.

*Supt. of Education in account with R. Bradshaw, Sumter Co. Supt., by F. Draxler.*

Dr.		Cr.	
1866.	Dividend as per ledger.....	\$13,791 84	1866. Vouchers as stated... \$3,022 10
1867.	" ".....	7,075 26	1867. " " .. 5,144 53
1868.	" ".....	734 75	1868. " " .. 622 79
1869.	" ".....	11,171 37	Cash p'd Kinnard... 2,900 00
1870.	" ".....	8,636 17	1869. Vouchers as stated... 11,133 55
		<u>\$41,408 39</u>	1870. " " .. 8,561 36—\$31,389 33
1873.	To balance.....	\$10,019 06	By balance due..... 10,019 06
			<u>\$41,408 39</u>
			1873. By vouchers rendered
			in full..... 12,110 81
			Of same considered
			"void" ..... 8,459 05—\$3,651 76
			By balance due..... 6,367 30
			<u>\$10,019 06</u>
	Totbal. due by R. B.,	\$6,367 30	By check as stated..... \$72 00

## PRIVILEGES AND ELECTIONS.

Mr. Doster, from the Committee on Privileges and Elections, to which was referred the petition and memorial of V. Gayle Snedecor, contesting the seat of Hon. Charles W. Hatch, representing the 23d Senatorial District, submitted a majority report.

Which was ordered to lie upon the table until 7 o'clock P. M., to-day, and it was made the special order for that hour.

## HOUSE BILL.

Mr. Edwards called up

House bill—

To authorize the court of county commissioners of Winston county to grant license to keep public ferries in said county.

Which bill was read twice, under suspension of the constitutional rule.

On motion of Mr. Cobb—

The bill was indefinitely postponed.

## JOINT RESOLUTION.

By leave, Mr. Little introduced joint resolution—

Appointing the Auditor of State to settle the accounts of Robert Bradshaw, late superintendent of Sumter county.

Which joint resolution was read three times forthwith, under suspension of the constitutional rule, and

Passed.

Senate bill—

To amend section 3706 (160) of the Revised Code of Alabama.

Was read a third time, and

Passed.

## RECONSIDERATION.

On motion of Mr. Haralson—

The vote by which Senate indefinitely postponed

House bill—

To authorize the court of county commissioners of

Winston county to grant license to keep public ferries in said county,

Was reconsidered.

Bill was then read a third time, forthwith, under suspension of the constitutional rule, and

Passed.

#### FINANCE AND TAXATION.

By leave, Mr. Ervin, from the Committee on Finance and Taxation, reported favorably to

Senate bill—

To provide and fix a salary and pay for the county solicitor of Colbert county.

On motion of Mr. Hewitt—

Report and bill were indefinitely postponed.

Also, from the same committee, substitute for Senate bill—

To repeal an act to amend an act to establish revenue laws for the State of Alabama.

The report was concurred in.

Mr. Parks moved to lay the substitute upon the table.

Which motion was lost.

The substitute was then adopted.

Bill, thus amended, was read a third time forthwith, under suspension of the constitutional rule, and

Passed.

Mr. Martin moved to reconsider the vote last taken.

On motion of Mr. Haralson—

The motion was laid upon the table.

Yeas 16, nays 13.

Yeas—Messrs. Carmichael, Cunningham, Curtis, Ervin, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Martin, Miller, Pennington, Walton and Wilson—16.

Nays—Messrs. Cobb, Coleman, Doster, Driesbach, Edwards, Glass, Hewitt, Little, Parks, Robinson, Royal, Snodgrass and Terrell—13.

House bill—

To provide food and clothing for the convicts in the penitentiary.

Was read a third time, and

The question being put,

Shall the bill pass?

It was decided in the affirmative.

Ayes 26, noes 6.

\*Ayes—Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Doster, Driesbach, Edwards, Ervin, Goodloe, Grayson, Hamilton, Haralson, Harris, Hatch, Jones, Leftwich, Little, Miller, Pennington, Royal, Snodgrass, Terrell, Walton and Wilson—26.

Noes—Messrs. Cobb, Coleman, Hewitt, Martin, Parks and Robinson—6.

# MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT, }  
Montgomery, December 15, 1873. }

*Mr. President :*

I am instructed by the Governor to inform the Senate that on the — instant he approved the following bills which originated in the Senate :

## AN ACT

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley of Huntsville, Madison county, Alabama.

## AN ACT

To provide weights and measures for the county of Dale.

## AN ACT

To authorize the commissioners' court of Marshall county to allow certain claims against said county.

## AN ACT

To authorize executors, guardians, administrators or trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama.

## AN ACT

For the relief of the Shapard Hall Female College, at LaFayette, Ala.

## AN ACT

For the relief of William H. Clemons, tax collector of Chambers county.

## AN ACT

To authorize the holding of a special term of the circuit court of Hale county for the disposal of criminal business in the county of Hale.

## AN ACT

To authorize the court of county commissioners for the county of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company or others holding the bonds of said county heretofore issued by said county to the said Savannah and Memphis Railroad Company.

## AN ACT

To amend section 2 of an act entitled an act to incorporate the town of Guntersville in the county of Marshall.

## AN ACT

To provide for the support of the common schools of the State for the current year.

## AN ACT

To repeal an act approved March 3, 1870, entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," so far as the same applies to the county of St. Clair.

Respectfully,

CHARLES J. ATKINSON,  
Recording Secretary.

## ADJOURNMENT.

On motion of Mr. Robinson—

At 1 o'clock and 50 minutes P. M.,

The Senate adjourned until 7 o'clock P. M.

Ayes 19, noes 12.

Ayes—Messrs. Carmichael, Cunningham, Curtis, Doster, Driesbach, Edwards, Ervin, Glass, Grayson, Hamilton, Harris, Little, Martin, Miller, Parks, Robinson, Royal, Terrell and Walton—19.

Noes—Messrs. Black, Cobb, Coleman, Cooper, Goodloe, Haralson, Hatch, Hewitt, Leftwich, Pennington, Snodgrass and Wilson—12.

## EVENING SESSION.

The Senate met pursuant to adjournment.

## SPECIAL ORDER.

The special order set for 7 o'clock then came up at that hour, it being

The report of the Committee on Privileges and Elections,

In the matter of the contest by V. Gayle Snedikor of the seat occupied by Hon. Charles W. Hatch, as Senator from the 23d Senatorial District.

Mr. Haralson moved to suspend the consideration of the special order for the purpose of taking up a House bill.

Which motion was lost.

Ayes 15, nays 18.

Ayes—Messrs. Black, Curtis, Dereen, Doster, Glass, Goodloe, Haralson, Harris, Hatch, Jones, Leftwich, Miller, Pennington, Royal and Wilson—15.

Nays—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Hamilton, Hewitt, Little, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—18.



## MINORITY REPORT.

Mr. Dereen, from the said committee, submitted a minority report in said matter.

The majority and minority reports were then read, together with the evidence submitted by the committee.

## MAJORITY REPORT

From the Committee on Privileges and Elections.

*Mr. President:* .

The Committee on Privileges and Elections, to which was referred the petition and memorial of V. Gayle Sned-icor, contesting the seat of Charles W. Hatch, representing the Senatorial District composed of the county of Hale, have had the same under consideration, and after an examination of the evidence presented to them, instruct me to report that in the opinion of the committee Charles W. Hatch received a majority of the legal votes cast at a special election for Senator for the 23d Senatorial District held on the 11th day of November, 1873.

A majority of the committee instruct me further to report, that in their opinion the said C. W. Hatch is ineligible to the position of State Senator which he now holds, for the following reasons, to-wit: That as a postmaster at Greensboro, Alabama, he received moneys belonging to the United States Government, and that he failed to account for and pay over the said moneys; and that in the opinion of the committee the said C. W. Hatch is ineligible to a seat in the Senate under section 20, article IV, of the State Constitution. They therefore instruct me to report that in the opinion of a majority of the committee the seat of Charles W. Hatch should be declared vacant.

Which is herewith submitted, with the accompanying evidence.

CHAS. S. G. DOSTER,  
Chairman.

## MINORITY REPORT.

In the matter of the contest of the seat of C. W. Hatch.

*To the Senate of Alabama:*

The undersigned members of the Committee on Privi-

leges and Elections, being unable to agree with the majority of the committee in the various rulings, or in the conclusions reached by them, or in the reasoning upon which said rulings or conclusions are based, beg leave to submit herewith a minority report.

In the rulings of the majority of the committee, as well as in the conclusions attained by them, they have denied and defied the following considerations :

1st. That the law regulating contested elections is as binding upon the members of either house of the General Assembly, whether sitting as a committee to gather evidence for one of those houses or as members of either house, as upon the humblest citizen in the land.

2d. That a contested election case is in the nature of a suit between the contesting parties, and governed by the ordinary rules of evidence which govern in other suits, and this, too, by force of the express language of the law regulating elections.

3d. That whenever a disability of a citizen to hold office is claimed to exist by virtue of the constitution, the prohibition must be made out by clear force of the terms used therein ; because disability to hold office necessarily implies disability of the people to elect that citizen to office. The question is really a question of the right of the people to vote for and elect that citizen. No intendment or implication is to be made in disparagement of the rights of the people, either by partizan blindness or by construction of words which can be reconciled with the continued existence of the rights of the people.

The pretence of the majority of the committee is, that the said Hatch was ineligible at the time of his election to the Senate, that is, on the 11th day of November, 1873.

Not a particle of legal evidence of such ineligibility on said day was either offered or introduced before the committee.

At the first meeting of the committee Mr. Snedikor, the contestant, was present, and offered in evidence a transcript from the clerk of the circuit court of the United States at Mobile, of a suit commenced, not against Hatch, but against other persons therein alleged to be his sureties as postmaster, on the 19th day of December, 1872, and of a judgment final by default, without any jury or trial, not against Hatch, but against said other persons who were sued, rendered on the 16th day of April, 1873, for \$1,179.71 and costs.

At the second and only other meeting of the committee, held last night, the contestant did not appear, but from among the majority of the committee another paper, called a transcript, was produced and offered as evidence against Mr. Hatch. By his counsel, Mr. Hatch objected to this paper as evidence against Mr. Hatch, and stated at length the grounds of this objection. It is almost, if not quite impossible to describe this paper as it appears. Fortunately, it is submitted among the other papers by the majority, and is thus before the Senate. The certificate of said circuit clerk to that paper bears date December 12, 1863, a day subsequent to the first meeting of said committee. The certificate of said clerk thereto is a very remarkable certificate, and is certainly a certificate which no law of the land authorized him to make or give. It purports to certify as to evidence in a cause to which said Hatch never was a party, and as to evidence in a cause in which the judgment itself proves no evidence was either proper to be adduced, or was in fact adduced. It purports to certify to a mere statement of a pretended account between Hatch and the United States, which account purports to be twice certified to by the Auditor of the Treasury of the Postoffice Department on different days. The first pretended certificate of said Auditor is dated December 9, 1872, and yet purports to embrace several items of dates later than its date. The second certificate of said Auditor is dated March 18, 1873—several days before said judgment, and yet shows a balance several hundred dollars less than the sum for which said judgment was rendered. This remarkable paper certified by said circuit clerk on December 12, 1873, is upon its very face, the mere “copy of a copy.” All lawyers, who respect their books and the law of the land, must know that such a copy of a copy, such a paper, is not evidence against any citizen who did not sign or make it or admit its truth. There is no such admission here by Mr. Hatch.

Yet the majority of the committee, all of whom profess to be lawyers, held this paper of the said clerk to be evidence against Mr. Hatch, and against the right of the people of Hale county to elect him to the Senate on the 11th day of November, 1873. It was upon this paper that the majority based their report.

If the rights of a Senator and of the people who elected him can be destroyed upon such a paper as that of the

clerk of date of December 12, 1873, it can only be done by force of the doctrine openly asserted in committee by some of that majority, that the law-makers, when acting in a case of this kind, are not under the control of any law of the land, but are above the law which is the master of us all.

We therefore submit the following resolution :

*Resolved*, That Charles W. Hatch, who was elected Senator by the people of Hale county, and who has duly received the certificate of his said election, is entitled to his seat in the Senate.

JNO. W. DEREEN,  
B. F. ROYAL.

#### RESOLUTION.

Mr. Dereen offered the following resolution :

WHEREAS, Charles W. Hatch, in the contest of his seat in this body, yielded to and followed the advice of his counsel, Samuel F. Rice, before the Committee on Privileges and Elections : and, whereas, the lawyers of said committee have made a majority report against said Hatch ; and, whereas, the minority report is made by members of the Senate who do not profess to be lawyers ; therefore,

*Resolved*, That said Hatch shall be heard by his said counsel before this Senate, touching the merits or demerits of said majority and minority reports.

On motion of Mr. Terrell—

The resolution was laid upon the table.

Yeas 21, nays 9.

Yeas—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Glass, Grayson, Hamilton, Harris, Hewitt, Little, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—21.

Nays—Messrs. Black, Curtis, Dereen, Goodloe, Haralson, Jones, Leftwich, Miller and Royal—9.

Mr. Martin moved to concur in the majority report of the committee recommending that the seat of Charles W. Hatch should be declared vacant.

Which motion was carried.

Yeas 20, nays 8.

Yeas—Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Doster, Driesbach, Edwards, Ervin, Gray-

son, Hamilton, Harris, Hewitt, Little, Martin, Parks, Robinson, Snodgrass, Terrell and Walton—20.

Nays—Messrs. Black, Dereen, Goodloe, Haralson, Jones, Miller, Pennington and Royal—8.

Thereupon, Mr. President declared the judgment of the Senate to be that the seat occupied by Charles W. Hatch as Senator from the 23d Senatorial District composed of the county of Hale, was vacant.

#### MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 16, 1873. }

*Mr. President.*

I am directed to inform the Senate that the House of Representatives has passed Senate bills, without amendment, entitled as follows:

#### AN ACT

To establish a new chancery district of Covington county.

#### AN ACT

To require the judge of probate of the county of Lauderdale to hold monthly terms of the county court for the trial of misdemeanors.

#### AN ACT

To fix the time of holding the chancery court for the sixth district of the eastern chancery division composed of the county of Macon.

#### AN ACT

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

#### AN ACT

To amend an act to authorize the county of Montgomery to issue bonds, approved March 7, 1873.

## AN ACT

Authorizing the Superintendent of Public Instruction to compromise the liabilities of the sureties on the official bond of Wm. J. Gilmore, late Superintendent of Public Schools in Choctaw county.

ROBERT BARBER,  
Clerk.

HOUSE OF REPRESENTATIVES, }  
December 16, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has passed, with amendment, Senate bill, entitled as follows :

## AN ACT

To restrict the power of taxation of incorporated cities and towns in certain cases.

And, without amendment—

## AN ACT

In relation to the victualling of prisoners in jail.

ROBERT BARBER,  
Clerk of the House.

HOUSE OF REPRESENTATIVES, }  
December 16, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has amended and passed Senate bill, entitled as follows :

## AN ACT

To constitute the purchasers of any railroad hereafter

sold under authority of any law of this State a body politic and corporate.

ROBERT BARBER,  
Clerk of the House.

HOUSE OF REPRESENTATIVES, }  
December 16, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has passed Senate bills, without amendment, entitled as follows:

AN ACT

To remove the administration of Thomas C. Daniel, deceased, from the county of Autauga to the county of Perry.

AN ACT

To regulate the fees of constables in the county of Marengo.

ROBERT BARBER,  
Clerk of the House.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 16, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill, entitled as follows:

AN ACT

To render competent as witnesses certain parties therein named, where suits are brought by the personal representatives of deceased persons.

ROBERT BARBER,  
Clerk of House.

## HOUSE BILL.

Mr. Haralson called up  
House bill—

To regulate the confinement and discharge of persons charged with misdemeanors.

Which bill was read three times forthwith, under suspension of the constitutional rule, and  
Passed.

## CONCURRENCE.

Senate concurred in House amendments to  
Senate bills—

To restrict the power of taxation of incorporated cities and towns in certain cases.

To constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body politic and corporate.

To authorize the purchasers, and their assigns, of the railroad, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company and to exercise the corporate rights, franchises and privileges of the said Company under that name as to the railroads east of the west bank of the Mississippi river.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December, 16th, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has passed, without amendment, Senate bill, entitled as follows :

## AN ACT

To provide for the redemption of lands sold for taxes and purchased by the State.

ROBERT BARBER,  
Clerk.



## RESOLUTIONS.

Mr. Ervin offered the following resolution, which was read and adopted :

*Resolved*, That the Secretary of the Senate be, and he is hereby instructed and required to demand and receive of the Public Printer of Alabama all of the public documents heretofore ordered to be printed by the Senate, and which have not yet been delivered.

*2d. Be it further resolved*, That it shall be the duty of the Secretary of the Senate to inform each Senator, as soon after the receipt of said documents as practicable, of the number and character of the documents to which he is entitled.

Mr. Cooper offered the following resolution, which was adopted :

The Senate of Alabama has learned of the nomination by the President of our fellow-Senator, Hon. J. L. Pennington, for the office of Governor of Dacotah Territory, and desiring to express the sentiments entertained by this body for that distinguished gentleman ; therefore,

*Be it resolved*, That we tender that gentleman the assurances of our kindly regards, and the wish we feel that he may be spared for many years of usefulness and happiness.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
December 16, 1873. }

*Mr. President :*

I am directed to inform the Senate that the House of Representatives has passed Senate bill, without amendment, entitled as follows :

## AN ACT

To create the eleventh chancery district of the northern chancery division.

ROBERT BARBER,  
Clerk.

On motion of Mr. Martin--

*Resolved*, That the Secretary of State be, and he is hereby authorized and instructed to have two hundred and fifty copies of the public documents of the present session bound for the use of the members of the General Assembly and the Executive Departments.

Mr. Cooper offered the following joint resolution, which was adopted :

*Resolved*, That a joint committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to wait upon his Excellency, the Governor, and inform him that the two Houses are now ready to adjourn, and to know whether he has any further communication to make to the General Assembly.

Thereupon, Mr. President appointed Messrs. Cooper and Pennington committee on the part of the Senate.

#### RESOLUTION

Mr. Doster (Mr. Martin in the chair) offered the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to the Hon. Alexander McKinstry, the Lieutenant Governor of the State, for his courteous and impartial presidency over the deliberations of the Senate during this session of the General Assembly.

Mr. Haralson offered the following resolution; which was adopted :

*Resolved*, That the thanks of the Senate are hereby tendered to Mike L. Woods, as Secretary of the Senate, B. F. Garrett, as Assistant Secretary, Robert C. Clark, as Doorkeeper, W. V. Chardavoyne, as Engrossing Clerk, J. H. Graham, as Enrolling Clerk, the Pages and employees of the Senate, for their prompt and efficient discharge of their duties.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {  
December 16, 1873. }

*Mr. President:*

I am directed to inform the Senate that the House of

Representatives has concurred in Senate joint resolution—  
Raising a joint committee to wait upon the Governor.

ROBERT BARBER,  
Clerk of House.

#### ENROLLED BILLS.

Mr. Carmichael, from the committee on enrolled bills,  
reported as correctly enrolled,

#### AN ACT

Relating to the term of office of the several tax collectors in this State.

#### AN ACT

To amend sections 6, 10, 12 and 15 of an act entitled  
“an act to establish a City court for the county of Lee,  
with criminal and civil jurisdiction &c., and to repeal  
certain sections therein named.

#### AN ACT

To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871.

#### AN ACT

To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars, for certain purposes therein named.

#### AN ACT

To authorize Mrs. Ann S. Prince, administratrix of the estate of O. T. Prince, deceased, late of Tuscaloosa county, to sell at private sale enough of the lands of said estate to pay the debts of the estate.

#### AN ACT

To require the criminal docket in the circuit court for

Talladega county to be set for trial on the third week of the term.

## AN ACT

To repeal an act entitled an act declaring White Water, in Coffee county, a public highway, approved Feb. 29, 1848.

## AN ACT

Making it unlawful for any persons to sell, give or make use by drinking in a public place, any vinous, spirituous, or intoxicating liquors in, at, or within five miles of the town of Centre, the county seat of Cherokee county, and for other purposes, as therein shown.

## AN ACT

To amend section one of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee county, approved February 10, 1852.

## AN ACT

To authorize the purchasers and their assigns of the railroads, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company, and to exercise the corporate rights, franchises and privileges of the said company under that name, as to the railroad east of the west bank of the Mississippi river.

## AN ACT

To provide for the redemption of lands sold for taxes and purchased by the State.

## AN ACT

To provide for the funding of the domestic debt of this State.

## AN ACT

In relation to the virtualing of prisoners in jail.

## AN ACT

To fix the time of holding the chancery courts for the sixth district of the eastern chancery division, composed of the county of Macon.

## AN ACT

To require the judge of probate of the county of Landerdale to hold monthly terms of the county court for the trial of misdemeanors.

## AN ACT

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

## AN ACT

To regulate the fees of constables in the counties of Marengo and Dallas.

## AN ACT

To establish a new chancery district out of the county of Covington.

## AN ACT

To render competent as witnesses certain parties therein named where suits are brought by the personal representatives of deceased persons.

## AN ACT

Authorizing the Superintendent of Public Instruction to compromise the liability of the sureties on the official bond of Wm. J. Gilmore, late Superintendent of Public Schools in Choctaw county.

## AN ACT

to authorize Mrs. Virginia Owen Green, wife of Thos. F. Green of the county of Jefferson, to purchase property

and to mortgage the same for the security of the unpaid purchase money.

#### AN ACT

To constitute the purchasers of any rail road hereafter sold under authority of any law of this State, a body politic and corporate.

#### AN ACT

To restrict the powers of taxation of incorporated cities and towns in certain cases.

Mr. Cooper, from the joint committee to wait upon the Governor, reported that the committee had discharged that duty, and that the Governor had instructed them to say to the General Assembly, that he had no further communication to make to that body.

#### ADJOURNMENT.

At the hour of twelve o'clock, midnight, Hon. Alexander McKinstry, Lieutenant Governor and President of the Senate, after returning thanks in appropriate terms for the complimentary resolution, declared the Senate adjourned *sine die*.

ALEXANDER MCKINSTRY,

Attest:

Lt. Governor and Pres. of Senate.

MIKE L. WOODS,

Sec'y of Senate.

# Bills, Joint Resolutions, Memorials and Petitions,

INTRODUCED IN THE

## SENATE.

SESSION 1873.

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By Mr. BLACK—  
1873.

- Dec. 2. To repeal an act entitled an act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, so far as the same relates to the county of Barbour. Amended and referred to Local Legislation.
- Dec. 2. Better to enable the Commissioner of Industrial Resources to execute the provisions of paragraph 2, Article XII, of the Constitution of Alabama. Referred to Finance and Taxation.
- Dec. 4. To confer additional powers upon the People's Saving and Loan Association of Eufaula, Alabama. Referred to Finance and Taxation. Report favorable and bill passed December 13.
- Dec. 8. To repeal an act entitled "An act to establish the city court of Eufaula," approved Febru-

By Mr. BLACK—Continued.  
1873.

- ary 14, 1870. Referred to Judiciary. Report favorable and bill passed December 13.
- Dec. 9. To equalize and provide for the payment of the claims against the fine and forfeiture fund of Barbour county. Referred to Finance and Taxation.
- Dec. 11. For the relief of justices of the peace, bailiffs, and all county officers of Barbour county. Referred to Finance and Taxation.

By Mr. CARMICHAEL—  
1873.

- Nov. 19. To amend section 4057 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 20. To amend section 80 of an act entitled an act to establish revenue laws of the State of Alabama, approved November 16, 1868. Passed.
- Nov. 21. To fix the time of the annual sessions of the General Assembly of Alabama. Referred to select committee.
- Nov. 21. To repeal an act entitled an act to amend an act entitled an act to incorporate the Sepulga River Manufacturing Company of Conecuh county, approved December 31st, 1868. Passed.
- Nov. 22. For the protection of agriculture. Referred, with amendment, to Finance and Taxation.
- Nov. 26. To provide for the redemption of lands sold for taxes and purchased by the State. Referred to Judiciary. Report favorable and bill passed December 13.
- Nov. 26. To repeal subdivisions six, nine, fifteen and sixteen of section three of an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to Finance and Taxation.
- Nov. 26. To amend section one of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee county, approved February 10, 1852. Referred to Internal Improvements. Report adverse, but not concurred in, and bill passed December 15.
- Nov. 26. To repeal an act entitled an act declaring White



By Mr. CARMICHAEL—Continued.  
1873.

Water in Coffee county a public highway, approved February 29, 1848. Referred to Internal Improvements. Report favorable and bill passed December 15.

Dec. 2. To repeal an act entitled an act to protect the planters of this State from imposition in the sale of fertilizers, approved March 8, 1872. Referred to Judiciary. Report favorable and bill passed December 15.

Dec. 4. For the protection of creditors. Referred to Judiciary.

Dec. 4. To provide weights and measures of Dale county. Passed. .

Dec. 4. Joint memorial to the Congress of the United States in relation to homesteads in the State of Alabama. Adopted.

Dec. 10. To fix the time of holding the circuit court in the eighth judicial circuit. Passed.

Dec. 10. (With petition) To repeal an act entitled "An act to prohibit the sale of spirituous or intoxicating liquors of any kind within two miles in any direction of the Clopton Academy," approved March 8, 1871, and an act amendatory thereof, approved January 27, 1873. Indefinitely postponed.

By Mr. COBB—  
1873.

Nov. 25. To amend section 6 of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23, 1873. Report favorable and bill passed December 13.

Nov. 29. To regulate the trial of civil actions, and to repeal sections 2660 and 2661 of the Revised Code. Referred to Judiciary.

Nov. 29. To amend section 2963 (2535) of the Revised Code of Alabama. Referred to Judiciary. Report favorable and bill passed December 6.

Nov. 29. To amend an act entitled an act to incorporate the town of Columbiana in the county of Shelby, approved March 25, 1873. Passed.

By Mr. COBB—Continued.

1873.

- Nov. 29. To reduce taxes and to relieve the agricultural and mechanical interests of the State from heavy burthens. Referred to Finance and Taxation.
- Dec. 2. To regulate the practice in cases of application for mandamus in the courts of this State inferior to the supreme court. Passed.
- Dec. 5. To extend the jurisdiction of courts of chancery in relation to insolvent estates. Referred to Judiciary.
- Dec. 8. To establish certain fees for justices of the peace and notaries public in Perry county, and to provide for the payment of the same. Referred to Judiciary.
- Dec. 11. To require the criminal docket in the circuit court of Talladega county to be set for trial on the third week of the term. Passed.
- Dec. 11. To amend "An act to incorporate the Selma Building and Loan Association." Passed.
- Dec. 13. To prescribe the time of holding the circuit courts in the 10th judicial circuit. Passed.

By Mr. COLEMAN—

1873.

- Nov. 18. To repeal section 17 of article 6 of the Constitution of Alabama. Ordered to a second reading. Withdrawn November 19.
- Nov. 19. To compel the attendance of witnesses in criminal cases. Referred to Judiciary.
- Nov. 19. To amend section 17 of article 6 of the Constitution of Alabama. Ordered to second reading.
- Nov. 21. To change the time of meeting of the General Assembly of Alabama. Referred to a select committee of one from each Congressional District. Report adverse and concurred in, December 1.
- Nov. 21. Joint resolution proposing amendments to the Constitution of Alabama. Ordered to second reading. Read second time and referred to Judiciary November 25. Substitute reported November 28. Ordered to third reading December 4. Passed December 6.

By Mr. COLEMAN—Continued.  
1873.

- Nov. 21. To abolish the office of county solicitor, and to re-establish the office of district attorney for each judicial circuit in this State, and to define the duties of said office. Referred to Judiciary.
- Nov. 22. To amend section 1059 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 24. To extend the time of holding the circuit court of Limestone county. Passed.
- Nov. 24. To amend section fifteen (15) of an act in relation to the Agricultural and Mechanical College of Alabama. Referred to Education.
- Nov. 25. To amend section 4302 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 29. To prevent injury to animals. Referred to Judiciary.
- Nov. 29. To create a new voting precinct called Pettusville, in the county of Limestone. Passed.
- Dec. 8. For the relief of Elmira Myers, wife of Henry H. Myers, of Limestone county, Alabama. Passed.
- Dec. 8. To make the uncorroborated testimony of an accomplice in misdemeanors sufficient to convict. Referred to Judiciary.
- Dec. 8. To render certain witnesses competent in trials for misdemeanors. Referred to Judiciary.
- Dec. 13. To require the judge of probate of Lauderdale county to hold monthly terms of the county court for the trial of misdemeanors. Passed.

By Mr. COOPER—  
1873.

- Nov. 19. Resolution providing for a call of a convention to reduce the expenditures of the State government. Referred to Judiciary. Substitute reported, and ordered to second reading November 28.
- Nov. 20. Joint memorial and resolutions asking the Congress of the United States to redeem six per cent. government bonds in legal tender notes at the option of the holder, to issue convertible bonds, and to replace the frac-

By Mr. COOPER—Continued.  
1873.

- tional currency with silver coin. Referred to Joint Committee on Finance.
- Nov. 21. To require all fines and forfeitures to be collected and paid over in the legal currency of the United States in the following counties, to-wit: Cherokee and Etowah, and fixing the penalty for its violation. Referred to Finance and Taxation. Report favorable, and bill amended and passed November 24.
- Nov. 21. To prohibit the owners of horses, &c., from knowingly to suffer them to run at large in any town or village in Cherokee county, and defining the liability for a violation of this act. Amended and passed.
- Nov. 22. Declaring the lands of Mitchell Davis, of Cherokee county, which are divided by the line dividing the counties of Cherokee and Etowah, to be deemed and held as being in Cherokee county. Passed.
- Nov. 24. To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs Church, Cane Creek Church, Oak Bowery Church, Mount Zion Church and Hebron Church, in Calhoun county, Blue Eye Church, Refuge Church, Patton's Chapel Church, Bethel Church, Forrest Hill Church and the Colored People's Church, (near Forrest Hill), in Talladega county, Alabama. Passed.
- Nov. 25. To provide for a change of venue in certain cases therein named. Referred to Judiciary.
- Nov. 25. To authorize and provide for the acknowledgment of proof and recording of conveyances of real estate heretofore made and not proved or acknowledged and recorded. Referred to Judiciary.
- Nov. 29. To authorize Mary Ann Kyle, a minor, to settle with her guardian, and to make all contracts, sue and be sued, as if she were 21 years of age, &c. Referred to Judiciary.
- Nov. 29. To repeal an act entitled an act to suppress murder, lynching and assaults and batter-

By Mr. COOPER—Continued.

1873.

- ies, approved December 28, 1868, so far as the same relates to the counties of Etowah and Cherokee. Referred to Judiciary.
- Nov. 29. To enlarge the powers of sheriffs in Etowah county, as therein shown. Passed.
- Dec. 6. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of Town Creek Baptist Church in Hackneyville beat, Tallapoosa county, Alabama. Passed.
- Dec. 8. To amend an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867. Referred to Municipal and County Organizations.
- Dec. 10. For the relief of William L. Cain, of Etowah county. Referred to Finance and Taxation, with instruction for report to-morrow.
- Dec. 11. To extend the time for the collection and returns of State and county taxes. Referred to Finance and Taxation.
- Dec. 15. Making it unlawful for any person to sell, give or make use by drinking in a public place, any vinous or spirituous liquors in, at, or or within five miles of the town of Centre, the county seat of Cherokee county, and for other purposes therein shown. Passed.

By Mr. CUNNINGHAM—

1873.

- Nov. 17. To authorize the chancery courts to sell for distribution the lands of joint owners. Referred to Judiciary. Substitute reported (to amend section 3119 of the Revised Code) and passed, November 20.
- Nov. 19. To prohibit the sale, gift or barter of intoxicating liquor within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church and the town of Estaboga, in Talladega county. Passed.
- Nov. 19. To prohibit the sale, gift or barter of intoxicating liquors within five miles of Jackson Shoals, in Talladega county. Passed.

By Mr. CUNNINGHAM—Continued.  
1873.

- Nov. 24. To authorize the administrators of the several estates of Thomas Goodwin and John Goodwin, deceased, to settle the partnership transactions in lands of their estates and to sell said lands at private sale. Referred to Judiciary. Report favorable, with amendment, and bill passed, December 6.
- Nov. 29. To establish an election precinct at Chandler's Spring, in the county of Talladega. Passed.

By Mr. CURTIS—  
1873.

- Nov. 18. To enlarge the jurisdiction and powers of the county court in and for the county of Perry. Referred to Judiciary.
- Nov. 19. To restrict the sale, conveyance, removal or wilful destruction of personal property in certain cases. Referred to Judiciary.
- Nov. 20. To amend section 97 of an act entitled an act to establish revenue laws of the State of Alabama, approved December 31, 1868. Referred to Judiciary.
- Nov. 21. To repeal an act entitled an act to encourage the supply to the people of this State of cooking stoves and appertenances thereto at reasonable prices, approved March 29, 1873. Referred to Finance and Taxation. Report adverse and concurred in, November 24. Reconsidered, bill amended and ordered to a third reading, November 24, and read third time and passed, December 15.
- Nov. 21. To regulate the issuance of policies by Life Insurance Companies in this State. Referred to Judiciary.
- Dec. 2. For the relief of Seaborn A. Edwards of Perry county as administrator of the estate of A. M. Mahan. Passed.
- Dec. 3. To remove the administration of the estate of Thomas C. Daniel, deceased, from the county of Autauga to the county of Perry. Passed.

By Mr. DEREEN—  
1873.

- Nov. 17. To enable clerks of the circuit court to collect costs in civil suits. Referred to Judiciary.
- Nov. 17. To regulate the fees of constables in the county of Marengo. Passed.
- Nov. 18. To amend section seven (7) of an act to regulate elections in this State, approved April 22, 1873. Referred to Privileges and Elections.
- Nov. 18. To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem, in the county of Lee. Passed.
- Nov. 19. To repeal an act entitled an act to fix the time of holding the court of county commissioners of Marengo county, approved November 24, 1866. Passed.
- Nov. 19. To regulate the per diem and mileage of the members of the commissioners' court of Marengo county. Passed.
- Nov. 20. For the protection of livery stable keepers. Referred to Finance and Taxation. Report adverse and concurred in, November 24.
- Nov. 21. In relation to fines and forfeitures in the county of Marengo. Passed.
- Dec. 3. To amend section 4343 of the Revised Code of Alabama. Referred to Judiciary.
- Dec. 3. To suspend the operation of section 2660 of the Revised Code of Alabama. Referred to Finance and Taxation.
- Dec. 3. To provide for the full and complete settlement of the claim of the South and North Alabama Railroad Company upon the State of Alabama, in respect to the three per cent. fund. Referred to Finance and Taxation.
- Dec. 3. For the relief of Penny Mathews, of Marengo county. Referred to Privileges and Elections.
- Dec. 3. (With petition) For the relief of John McClelland of the county of Marengo, Alabama. Referred to a select committee.
- Dec. 4. To amend section one of an act to prohibit the sale of spirituous or vinous liquors within an area of five miles of Stonewall Iron

By Mr. DEREEN—Continued.  
1873.

- . Works, in Cherokee county, in this State. Passed.
- Dec. 4. To establish an election precinct at Pike Roads, in Montgomery county. Passed.
- Dec. 6. To amend section 87 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to Finance and Taxation.
- Dec. 6. To repeal section 93 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to Finance and Taxation.
- Dec. 6. To provide for the taking of testimony of railroad depot agents and operators of telegraph lines by depositions in civil cases, by either party, to any suit pending in any of the courts in the State of Alabama. Referred to Judiciary.

By Mr. DRIESBACH—  
1873.

- Dec. 4. To create a new chancery district out of the counties of Conecuh and Escambia. Referred to Judiciary. Report favorable and bill passed, December 13.

By Mr. DOSTER—  
1873.

- Nov. 22. To amend section 2960 (2532 a) of the Revised Code. Referred to Judiciary. Substitute adopted and bill passed, December 13.
- Nov. 22. To amend section 3705 (159) of the Revised Code. Referred to Judiciary. Report favorable and bill passed, December 3.
- Nov. 29. To authorize John L. Alexander, as administrator of the estate of Jeremiah Lassiter, deceased, to sell certain lands therein described at private sale. Referred to Judiciary.
- Nov. 29. For the relief of Matilda E. Howard of Autauga county, as administratrix of the estate of N. M. Howard, deceased. Referred to Privileges and Elections.



By Mr. DOSTER—Continued.

1873.

Dec. 8 To amend section one of an act entitled an act to prohibit the sale of ardent spirits within two miles of Bethel Church, in Winston county, and within two miles of the Methodist Church at Robinson's Springs, Elmore county, approved April 23d, 1873. Referred to Local Legislation.

Dec. 11. To authorize the administrators of John Merritt, deceased, to sell real estate. Referred to Privileges and Elections.

Dec. 11. To amend section 1386 of the Revised Code of Alabama. Referred to Privileges and Elections.

By Mr. EDWARDS—

1873.

Nov. 22. Joint resolution for the relief of Louis Hobart, agent of M. S. Hobart. Referred to Finance and Taxation. Report favorable and joint resolution passed, December 8.

Nov. 24. To authorize Sarah Ann Hanna, widow of John M. Hanna, deceased, of Blount county, Alabama, to sell certain lands therein mentioned. Referred to Judiciary.

Nov. 25. To fix the time of commencement and ending of the term of office of the several tax collectors of this State. Referred, with amendment, to Judiciary. Substitute reported and passed, December 8.

Nov. 25. (With petition,) To incorporate the town of Decatur, repealing and annulling all former charters as they are void for want of form. Referred to Municipal and County Organizations. Report adverse and concurred in, December 10.

Nov. 29. To establish an inferior court of record in the town of Decatur, Alabama. Referred to Judiciary. Reported back and referred to Local Legislation, December 2. Report favorable, with amendments, and ordered to a third reading, December 3. Read third time and passed, December 6.

By Mr. EDWARDS—Continued.

1873.

- Dec. 2. To amend the charter of the town of Decatur, in Morgan county. Ordered to a third reading. Afterwards referred to Municipal and County Organizations. Report favorable and bill passed, December 10.
- Dec. 2. Memorial, in the nature of a protest, against the passage of any bill for the removal of the seat of justice from Sumerville, and, also, against the establishment of a law and equity court or court of any kind, for the purpose of transacting the business of the circuit court, signed by Jackson Green and other citizens of Morgan county.
- Dec. 8. To require the county solicitors in this State to attend upon the county courts. Referred to Judiciary.
- Dec. 8. To create the eleventh chancery district of the northern chancery division. Referred to Judiciary. Report favorable and bill passed, December 15.
- Dec. 8. To incorporate the town of Cullman, in the county of Blount. Referred to a select committee. Report favorable, with amendments, but bill recommitted, December 10.
- Dec. 8. To repeal an act approved December 16th, 1871, to prohibit the sale of spirituous, vinous or malt liquors in the town of Somerville, Morgan county, and within three miles thereof. Referred to Municipal and County Organizations.
- Dec. 8. To amend an act entitled an act to amend section 962 of the Revised Code of Alabama, and for other purposes. Referred to Education.
- Dec. 9. To empower the courts of county commissioners of the several counties to authorize the erection of gates on public roads in certain cases.

By Mr. ERVIN—

1873.

- Nov. 19. For the relief of R. U. L. Watson, of the county of Wilcox. Referred to Finance and Taxa.

By Mr. ERVIN—Continued.  
1873.

- tion. Report favorable and bill passed, November 22.
- Nov. 28. (Reported.) To provide for discharging the claim held by the Alabama Insane Hospital against the State of Alabama for the support of the indigent insane for the quarter of the fiscal year ending 30th September, 1873. Passed.
- Dec. 1. (Reported) To provide for the funding of the domestic debt of this State. Read twice and printed. Amended and ordered to a third reading, December 2. Passed, December 4.
- Dec. 2. (Reported) Joint resolution in relation to the revisal of the revenue system of the State. Passed.
- Dec. 6. (Reported.) For the appointment of commissioners to liquidate claims against the State arising from bonds issued and endorsed in the name of the State of Alabama. Read twice, laid on the table and ordered to be printed. Amended and passed December 10. Reconsidered, bill amended and again passed, December 12.
- Dec. 6. (Reported.) To authorize executors, administrators, guardians and trustees to make investments in bonds, obligations and securities of the United States and of the State of Alabama. Read twice. Passed, December 9.
- Dec. 9. (Reported.) To provide for the support of the common schools of this State for the current year. Passed.

By Mr. GRAYSON—  
1873.

- Nov. 19. To repeal an act entitled an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties, approved February 1, 1872, so far as it relates to the county of Madison. Referred to Local Legislation. Report favorable and bill passed, December 2.
- Nov. 24. To amend section 41 of an act entitled an act to establish revenue laws for the State of

By Mr. GRAYSON—CONTINUED.  
1873.

Alabama, approved December 31, 1868.  
Referred to Finance and Taxation.

- Dec. 8. To repeal an act to authorize the court of county commissioners of Madison county to pay for fuel used in the offices of judge of probate, sheriff and clerk of circuit court of said county. Passed.

By Mr. GOODLOE—  
1873.

- Nov. 20. To amend section 4173 of the Revised Code.  
Referred to Judiciary.

- Nov. 20. To enlarge the duties of grand juries in criminal prosecutions. Referred to Judiciary.

- Nov. 20. To amend section 3555 of the Revised Code.  
Referred to Judiciary.

- Nov. 21. Joint resolution proposing amendments to the constitution of Alabama. Ordered to a second reading. Read second time and referred to Judiciary, November 25. Substitute reported and ordered to a second reading, November 28. Ordered to a third reading December 4. Passed, December 6.

- Nov. 22. To enlarge the powers of the commissioners courts in the several counties of this State.  
Referred to Judiciary.

- Nov. 25. To induce investments of foreign capital in the Chickasaw, Birmingham and Tuskaloosa Railroad Company's bonds and stocks, and thereby to aid in the developing and utilizing of mineral resources of the State. Referred to Finance and Taxation. Substitute reported and passed, December 8.

- Nov. 25. To amend an act entitled an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to Judiciary.

- Dec. 2. To provide and fix a salary for the county solicitor of Colbert county. Amended and referred to Finance and Taxation. Report favorable, but report and bill indefinitely postponed, December 16.

By Mr. GOODLOE—Continued.

1873.

Dec. 6. To amend section 2925 of the Revised Code of Alabama. Passed.

Dec. 6. To regulate the fees of notaries public and justices of the peace for the counties of Colbert, Franklin and Lawrence. Referred to Finance and Taxation.

Dec. 8. For the relief of the people of Montgomery county. Ordered to a third reading. Indefinitely postponed, December 9.

By Mr. HAMILTON—

1873.

Nov. 17. To provide for the deposit at interest, and for safe keeping, of funds in the hands of garnishees, officers of court, executors, administrators, guardians and trustees. Referred to Judiciary.

Nov. 18. To fix the terms of office of certain municipal officers in the city of Mobile. Referred to Mobile delegation of both Houses. Report favorable, with amendment, and bill passed December 1.

Nov. 18. To amend section three of an act entitled an act to confer civil jurisdiction upon the city court of Mobile. Passed.

Nov. 21. Memorial by the merchants of Mobile praying for the aid and influence of the General Assembly of Alabama, with the Congress of the United States, for the improvement of the Warrior and Cahaba rivers in this State. Referred to Internal Improvements. Joint resolutions reported and adopted November 29.

Nov. 22. To perfect service in criminal prosecutions against corporations, and to enforce the judgment of the courts therein. Referred to Judiciary. Report favorable, with amendment, and bill passed December 3.

Nov. 22. To amend the corporation laws of Alabama. Referred to Judiciary. Report favorable and bill passed December 6.

Nov. 22. To repeal an act approved December 7th, 1866. Referred to Municipal and County Organiza-

By Mr. HAMILTON—Continued.  
1873.

- tions. Substitute reported December 13. Bill passed December 15.
- Dec. 1. To provide for the keeping a record of suits against the State. Referred to Judiciary. Report favorable, with amendments, and bill passed December 13.
- Dec. 1. To render competent as witnesses certain parties therein named, where suits are brought by the personal representatives of deceased persons. Referred to Judiciary. Report favorable and bill passed December 6.
- Dec. 2. To amend section 2373 (1984) of the Revised Code of Alabama. Referred to Judiciary. Substitute reported and passed December 6.
- Dec. 3. To amend section 4173 of the Revised Code. Referred to Judiciary.
- Dec. 3. To establish boards of health in the State of Alabama. Referred to Municipal and County Organizations.
- Dec. 4. To restrict the power of taxation of incorporated cities and towns in certain cases. Referred to Municipal and County Organizations.
- Dec. 4. Memorial on reciprocal commerce with Spanish American Colonies. Referred to Federal Relations.
- Dec. 8. To fix the time of election for judges of the supreme court, circuit court and chancellors. Referred to Judiciary. Report favorable and bill passed December 13.
- Dec. 9. To provide for the publication of the school laws of this State. Passed.
- Dec. 10. To restrict the power of taxation of incorporated cities and towns in certain cases. Passed.
- Dec. 13. To constitute the purchasers of any railroad hereafter sold under authority of any law of this State, a body politic and corporate. Passed.

By Mr. HARALSON—  
1873.

- Nov. 18. To cause printed and posted certain sections of an act to regulate elections in this State, approved April 22, 1873. Referred to Privileges and Elections.
- Nov. 18. To amend section 3706 (160) of the Revised Code of Alabama. Referred to Judiciary. Report favorable, with amendment, and bill ordered to a third reading November 24.
- Nov. 18. Joint resolution to raise a committee to inspect the Alabama Penitentiary and other places of confinement of convicts, and to enquire into the treatment of the same. Adopted.
- Nov. 19. To exempt the Selma Exposition from certain taxes therein named. Referred to Finance and Taxation. Report favorable and bill passed November 26.
- Nov. 19. To ratify and confirm the action of the commissioners court of Dallas county in the election of a county physician. Passed.
- Nov. 19. To authorize and require the sheriff of Dallas county to execute and return the processes and orders issued by and returnable before the justices of the peace and notaries public of Selma Precinct in Dallas county. Amended and referred to Judiciary.
- Nov. 20. To repeal section 4343 (792) of the Revised Code, so far as the same relates to the county of Dallas. Referred to Judiciary.
- Nov. 20. To authorize the commissioners court of the county of Dallas to pay the solicitor of said county a salary in lieu of fees. Referred to Judiciary.
- Nov. 20. To pay the board of equalization of Dallas county. Referred to Finance and Taxation. Report favorable, but bill recommitted to a select committee November 22.
- Nov. 21. To amend section 2562 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 21. To amend an act entitled an act to amend section 3837 (289) of the Revised Code of Alabama, approved February 26, 1872. Re-

By Mr. HARALSON—Continued.  
1873.

- ferred to Penitentiary, Prisons and Punishments.
- Nov. 22. To repeal section 2000 of the Revised Code. Referred to the Judiciary.
- Nov. 22. For the relief of the judges of Alabama. Referred to Judiciary. Report favorable, with amendment, and bill passed December 1.
- Nov. 22. To prohibit the court of county commissioners from allowing tax collectors credit for insolvent poll tax payers. Referred to Finance and Taxation.
- Nov. 24. To codify and revise the statute laws of the State of Alabama of a general and public nature. Referred to Judiciary. Report favorable, with amendment, and bill passed November 29.
- Nov. 24. To repeal an act to increase the pay of bailiffs, approved March 19, 1873. Referred to Finance and Taxation.
- Nov. 26. To amend an act entitled an act to incorporate the National Hotel Company of Selma, approved December 7, 1866. Referred to Municipal and County Organizations. Report favorable and bill passed November 29.
- Dec. 1. To repeal an act entitled an act for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama. Referred to Finance and Taxation.
- Dec. 2. To authorize the tax assessors to furnish the county treasurer with an abstract copy of the names of all persons assessed by him liable to a poll tax. Referred to Finance and Taxation.
- Dec. 2. To pay the fees due in certain cases to the late sheriff of Dallas county out of the general fund of said county. Referred to Finance and Taxation.
- Dec. 2. Explanatory of section eleven of an act entitled an act to establish a criminal court for the county of Dallas. Referred to Finance and Taxation. Substitute reported, and passed December 12.



By Mr. HARALSON—Continued.  
1873.

- Dec. 2. To authorize the commissioners court of Dallas county to provide a court house, and to dispose of court houses belonging to said county. Referred to Municipal and County Organizations. Report favorable, and bill passed December 15.
- Dec. 2. Authorizing the commissioners court of Dallas county to appoint a janitor for the court house. Referred to Local Legislation.
- Dec. 2. For the relief of citizens who are exempt from public road duty in this State. Referred to Local Legislation.
- Dec. 2. (With petition.) To better secure the payment of wages and dues of the mechanics and employees of railroad companies in this State. Referred to a select committee. Report adverse, and bill recommitted to Judiciary December 10.
- Dec. 2. (With petition.) For the relief of Francis E. Perrin, as trustee, &c. Referred to Judiciary.
- Dec. 2. (With petition.) For the relief of Hamilton White, late tax assessor of Dallas county. Referred to Finance and Taxation.
- Dec. 16. For the relief of the First National Bank of Mobile and the Commercial National Bank of Mobile. Indefinitely postponed.

By Mr. HARRIS—  
1873.

- Nov. 17. To repeal an act entitled an act to secure justices of the peace and notaries public in their fees in certain cases, approved December 16, 1871. Passed.
- Nov. 21. To change the line between the counties of Russell and Barbour. Referred to Municipal and County Organizations.
- Dec. 4. To change the line between the counties of Russell and Barbour. Referred to Municipal and County Organizations.
- Dec. 4. For the relief of the estate of Mrs. Raenoth E. McGehee, late of Russell county. Referred to Local Legislation.

By Mr. HATCH—  
1873.

- Dec. 4. To authorize the holding of a special term of the circuit court of Hale county for the disposal of business in the county of Hale. Referred to Judiciary. Report favorable, and bill passed December 6.
- Dec. 4. For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Huntsville, Madison county, Alabama. Referred to Judiciary. Recommended to Finance and Taxation December 9. Report favorable, and bill passed December 10.
- Dec. 4. To lay off the county of Hale into four commissioners districts. Referred to Municipal and County Organizations.

By Mr. HEWITT—  
1873.

- Nov. 17. To repeal an act entitled an act to authorize the publication of the laws of Alabama, approved October 10, 1868, and an act entitled an act to amend the same, approved December 19, 1871. Referred to printing, with instructions to report as early as practicable. Reported back without recommendation, and passed December 3.
- Nov. 21. To reduce and regulate the salaries of certain officers therein named. Referred to Finance and Taxation.
- Nov. 21. To reduce and regulate the pay of certain officers and employees of the General Assembly therein named. Referred to Finance and Taxation.
- Nov. 21. To reduce and regulate the salaries of certain officers therein named. Referred to Finance and Taxation.
- Nov. 21. To repeal section 60 of the Revised Code of Alabama. Referred to Finance and Taxation.
- Nov. 21. To reduce and regulate the per diem and mileage of the members of the General Assembly. Amended and referred to Finance and Taxation. Report favorable, and ordered

By Mr. HEWITT—Continued.  
1873.

to a third reading November 22. Recommitted November 24.

- Nov. 22. To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as the same relates to the counties of Jefferson and Walker. Passed.
- Nov. 22. To better secure the payment of mechanics and others for their labor and materials furnished. Referred to Judiciary. Report favorable, and bill passed December 6.
- Nov. 22. To amend section 3250 of the Revised Code. Referred to Judiciary.
- Nov. 24. To repeal an act entitled an act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, approved December 31, 1868, so far as the same relates to the counties of Jefferson and Walker. Passed.
- Nov. 24. To repeal an act entitled an act to allow the Chief Justice of the Supreme Court of this State a secretary, approved March 1st, 1870. Referred to Judiciary.
- Nov. 24. To economise in the public printing, and to repeal section 133 of the Revised Code. Referred to Finance and Taxation. Report favorable, and bill passed December 8.
- Nov. 25. For the relief of the tax payers of Alabama. Referred to Finance and Taxation.
- Nov. 29. To amend section four of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23, 1873. Referred to Judiciary.
- Nov. 29. In relation to fees of sheriffs for victualing prisoners in jail. Referred to Finance and Taxation. Substitute reported and passed, December 9.

By Mr. HEWITT—Continued.

1873.

- Nov. 29. To repeal certain sections of the revenue laws of 1868 therein named. Referred to Finance and Taxation. Substitute reported and bill passed, December 13.
- Nov. 29. Petition from citizens of Jefferson county praying to be made citizens of St. Clair county. Referred to Municipal and County Organizations.
- Dec. 1. To incorporate the Mineral City Fire Company No. 2, of Birmingham, Alabama, as an Engine or Hose Company, for Municipal purposes. Referred to Municipal and County Organizations. Report favorable and bill passed, December 15.
- Dec. 2. (With petition.) To amend section one of an act entitled an act to incorporate the city of Birmingham in Jefferson county, approved December 19, 1871. Referred to Municipal and County Organizations. Report favorable and bill passed, December 3.
- Dec. 8. To authorize the purchasers, and their assigns, of the railroad, corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company and to exercise the corporate rights, franchises and privileges of the said Company under that name as to the railroad east of the west bank of the Mississippi river. Referred to Judiciary. Report favorable and bill passed December 9.
- Dec. 8. To authorize and require the State Auditor to draw his warrant on the State Treasurer for one hundred and fifty dollars in favor of Daniel Wait, for arresting an escaped convict. Amended and referred to Finance and Taxation.
- Dec. 9. To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars, for certain purposes therein named. Passed.

By Mr. HEWITT—Continued.  
1873.

Dec. 11. To repeal an act approved March 3, 1870, entitled "An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," so far as the same applies to the county of St. Clair. Passed.

Dec. 15. In relation to the free public schools of the city of Birmingham. Passed.

By Mr. JONES—  
1873.

Nov. 20. To allow compensation to the tax assessor of Lowndes county for making the copy of the book of assessment. Referred to Finance and Taxation. Report adverse and concurred in, November 24.

Nov. 20. To authorize the court of county commissioners of Lowndes county to pay for fuel used in offices of judge of probate, sheriff, register in chancery, treasurer, tax assessor, tax collector and the clerk of the circuit court of said county. Referred to Municipal and County Organizations. Favorable and adverse reports made December 8.

Nov. 22. To authorize the legal voters of certain beats in Lowndes county to decide upon the continuance of "an act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama," approved December 31, 1868. Referred to a select committee.

Dec. 4. To prohibit any person from selling, giving away or otherwise disposing of spirituous liquors within four miles of the following named churches: Letohatchie Methodist, Tabernacle Methodist, in Montgomery county, six miles northeast of Letohatchie, Steep Creek Baptist Church, three and one-half miles northwest of Letohatchie, in the county of Lowndes. Passed.

By Mr. JONES—Continued.  
1873.

Dec. 8. To establish an election precinct in the county of Lowndes, to be known as Calhoun. Passed.

By Mr. LEFTWICH—  
1873.

Dec. 8. To repeal an act entitled an act to amend section one of an act entitled an act to regulate the enclosure of stock in a portion of the county of Greene therein described, approved February 14, 1872. Passed.

By Mr. LITTLE—  
1873.

Nov. 18. To authorize the judge of the seventh judicial circuit to hold a special term of the circuit court of Sumter county for the trial of all unfinished criminal business at such time as he may appoint, giving thirty days notice thereof by publication in some newspaper published in said county. Referred to Judiciary. Substitute reported and passed, November 21.

Nov. 18. To repeal an act to require the court of county commissioners to publish semi annual exhibits of the receipts and expenditures of money for and on account of their respective counties, and to repeal all laws requiring the publication in newspapers of such exhibits. Referred to Judiciary. Report favorable and passed, November 22.

Nov. 18. To consolidate the fine and forfeiture fund and the general fund of Sumter county. Referred to Judiciary. Substitute reported and passed, December 3.

Nov. 18. To authorize the commissioners court of Sumter county to settle and liquidate the outstanding fine and forfeiture debt against Sumter county. Referred to Judiciary. Substitute reported and passed, December 3.

Nov. 18. For the relief of Irene Larkins, guardian of her minor children, of Sumter county. Passed.

By Mr. LITTLE—Continued.  
1873.

- Nov. 19. To provide for the payment of costs in criminal cases when the indictment is withdrawn under section 4149 of the Revised Code of Alabama. Referred to Judiciary. Report adverse and concurred in, November 21.
- Nov. 19. Joint resolution in relation to the repeal by Congress of the bankrupt law. Referred to Judiciary. Substitute reported and adopted November 22.
- Nov. 20. To amend section 3705 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 20. To construe sections one and five of an act to authorize the Governor to appoint a commissioner to investigate and audit certain claims therein mention against the State of Alabama on account of the Alabama and Chattanooga Railroad, approved March 28, 1873. Referred to Judiciary.
- Nov. 20. To prevent injury to railroad cars in use for transportation of passengers or merchandise. Referred to Internal Improvements. Report favorable and bill passed, December 15.
- Nov. 24. To prohibit the judges of the probate court from appointing certain persons guardians ad litem. Referred to Judiciary. Report favorable and bill passed, December 13.
- Nov. 24. Joint resolution in relation to the liability of the State on account of railroad bonds. Referred to Joint Finance Committee.
- Nov. 26. To amend section 2421 of the Revised Code of Alabama. Referred to Judiciary. Substitute reported and passed, December 6.
- Nov. 26. To compensate county solicitors for services rendered to the grand juries. Referred to Judiciary.
- Dec. 4. To secure mechanics for work and labor done and materials furnished. Referred to Judiciary. Report favorable and bill passed, December 6.
- Dec. 4. To establish an election precinct at Stonewall, in Sumter county. Passed.

By Mr. LITTLE—Continued.  
1873.

- Dec. 5. To provide the taking of the depositions of aged, infirm, or sick witnesses on the part of the State in criminal prosecutions. Referred to Judiciary.
- Dec. 9. To amend section 2377 of the Revised Code of Alabama. Referred to Judiciary.
- Dec. 16. Joint resolution authorizing the Auditor of State to settle the accounts of Robert Bradshaw, late superintendent of Sumter county. Passed.

By Mr. MARTIN—  
1873.

- Nov. 19. In relation to the fine and forfeiture fund of Sanford and Fayette counties. Amended and passed.
- Nov. 21. For the relief of E. F. Comegys of Tuskaloosa county, late Cashier of the Bank of the State of Alabama. Referred to Finance and Taxation.
- Nov. 24. To amend section 1577 of the Revised Code of Alabama. Referred to the Judiciary.
- Nov. 25. To amend section 1862 of the Revised Code of Alabama. Referred to the Judiciary.
- Nov. 25. To repeal an act entitled an act to provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of the various railroad companies of this State, approved April 21, 1873. Referred to Joint Finance Committee.
- Nov. 26. To authorize Mrs. Virginia Owen Green, wife of Thomas F. Green of the county of Jefferson, to purchase property and to mortgage the same for the security of the unpaid purchase-money. Referred to Judiciary. Report favorable and bill passed December 3.
- Nov. 29. To amend section 1925 (1604) of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 29. To amend section 2329 (1941ee) of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 29. Joint memorial to the Congress of the United States, asking aid for the development of the



By Mr. MARTIN—Continued.  
1873.

Cahaba and Warrior coal fields, and the establishment of a coaling depot on the Gulf of Mexico near Mobile. Adopted.

Nov. 29. Petition of John L. S. Foster and others, asking prohibition of liquor within five miles of Grant's Creek Church in Tuskaloosa county. Referred to Municipal and County Organizations.

Dec. 1. To repeal an act entitled an act to amend an act entitled an act to establish revenue laws for the State of Alabama, approved February 9, 1870. Referred to Finance and Taxation.

Dec. 1. To amend the charter of the Eureka Mining and Transportation Company of Alabama. Passed.

Dec. 5. For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor. Referred to Judiciary. Report favorable and bill passed December 13.

Dec. 10. To provide for the trial of fact in certain cases in chancery courts. Referred to Judiciary.

Dec. 11. To establish a medical board in the county of Mobile, which shall be at the same time the board of health of the city of Mobile, and defining its duties and powers. Referred to Judiciary.

Dec. 11. To authorize Ann S. Prince, administratrix of the estate of Oliver T. Prince, deceased, to sell certain lands of said estate at private sale for the purpose of paying the debts of said decedent. Passed.

Dec. 15. To prohibit any person from selling, giving away, or otherwise disposing of any spirituous, vinous or malt liquors within three miles of Fayette Court House in the county of Fayette. Passed.

Dec. 15. To authorize the Governor to issue a patent to Elias Moss of Sanford county for certain lands therein named. Passed.

By Mr. MILLER—  
1873.

- Nov. 19. To regulate the fees of notaries public and justices of the peace for Butler county, and to provide for the payment of the same. Referred to Local Legislation.
- Nov. 20. To provide for the payment of the debt of Butler county, Referred to Local Legislation. Report favorable and bill passed November 26.
- Dec. 8. To provide for the payment of claims against the "fines and forfeiture fund" of Butler county. Passed.
- Dec. 8. To incorporate the town of Garland, in the county of Butler. Referred to Municipal and County Organizations.
- Dec. 11. Regulating advances upon timber, lumber and logs. Referred to Judiciary.
- Dec. 11. To remove the guardianship of Lillie Bowden, a minor, from the probate court of Butler county, Alabama, to the probate court of Shelby county in the State of Tennessee. Referred to Local Legislation. Report favorable and bill passed December 12.

By Mr. PARKS—  
1873.

- Nov. 19. To amend section two of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23, 1873. Referred to Judiciary. Report favorable November 21. Passed December 5.
- Nov. 20. To amend section 1353 of the Revised Code. Referred to Judiciary.
- Nov. 21. To define and limit the power of judges or other magistrates over fines assessed by juries in criminal cases. Referred to Judiciary. Report favorable and bill passed December 3.
- Nov. 21. For the protection of certain tenants in common. Referred to Judiciary.
- Nov. 21. (With petition) To incorporate the town of Brundidge in Pike county. Referred to Municipal and County Organizations.
- Nov. 26. To define and punish larceny after trust. Referred to Judiciary.

By Mr. PARKS—Continued.

1873.

Nov. 26. For the relief of the bondholders of the city of Troy. Referred to Local Legislation.

Nov. 26. For the relief of Columbus A. Ligon, a citizen of Pike county. Referred to Privileges and Elections.

Nov. 21. To regulate the manner of holding the circuit courts of this State. Referred to a Select Committee.

Dec. 4. To tax appellees with the costs of the trial in the court below in cases which are reversed by the supreme court. Referred to Judiciary.

Dec. 10. To establish a new chancery district of Covington county. Passed.

By Mr. PENNINGTON—

1873.

Nov. 21. (With petition.) To repeal an act to establish a city court for the county of Lee, with criminal and civil jurisdiction, approved March 20, 1873. Referred to Judiciary. Substitute reported, and bill passed December 13.

Nov. 24. A petition from citizens of Lee county signifying their disapprobation of the repeal of the act establishing the city court of Lee county, but recommending certain amendments of said act. Referred to Judiciary.

Nov. 25. To authorize the city council of Opelika to issue bonds and certificates. Referred to Judiciary.

Nov. 25. For the relief of Thomas A. Jones. Passed.

Nov. 25. To prohibit the selling or giving away of spirituous, vinous or malt liquors, or other intoxicating bitters within this State, except in incorporated cities, towns and villages. Referred to Local Legislation.

Nov. 26. To authorize the issuance of State certificates to the sum of one million of dollars. Referred to Joint Finance Committee.

Nov. 29. To fix the compensation to be allowed the members of the commissioners court of Lee county. Referred to Finance and Taxation.

By Mr. PENNINGTON—Continued.

1873.

Nov. 29. For the relief of sheriffs. Referred to Judiciary.

Nov. 29. To amend section 1770 of the Revised Code of Alabama. Referred to Federal Relations. Report adverse, and concurred in December 10.

Nov. 29. To authorize the commissioners court of Crenshaw county to issue bonds. Referred to Local Legislation. Report favorable, and bill passed December 15.

Dec. 6. To allow John C. Todd, of Lee county, to peddle without a license. Passed.

Dec. 6. To authorize Mrs. Ann S. Prince, administratrix of the estate of O. T. Prince, deceased, late of Tuscaloosa county, to sell at private sale enough of the lands of said estate to pay the debts of the estate. Referred to Local Legislation.

Dec. 11. To prohibit the issuance of railroad certificates of indebtedness. Referred to Judiciary. Substitute reported, and passed December 13.

By Mr. ROBINSON—

1873.

Nov. 20. To amend section 3470 of the Revised Code. Referred to Judiciary. Report favorable, with amendment, and passed November 22.

Nov. 20. To amend section 2537 of the Revised Code of Alabama. Referred to Judiciary. Report favorable, with amendment, and bill passed December 3.

Nov. 21. To repeal an act to declare Joseph H. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the line between said counties, approved February 4, 1867. Referred to Municipal and County Organizations. Report favorable, and bill ordered to a third reading November 22.

Nov. 21. To repeal an act to change the line between Lee and Chambers counties, so as to include the southwest quarter of section eight (8), town-

By Mr. ROBINSON—Continued.  
1873.

ship twenty (20), range twenty-five (25), in Lee county, approved February 24, 1872. Referred to Municipal and County Organizations. Report favorable, and bill ordered to third reading November 22. Recommitted November 25.

Nov. 21. To repeal an act to change the lines between the counties of Chambers and Lee, approved February 19, 1867. Referred to Municipal and County Organizations. Report favorable, and bill ordered to a third reading November 22.

Nov. 21. To repeal an act to declare James M. Norwood, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the line between said counties, approved February 4, 1867. Referred to Municipal and County Organizations. Report favorable, and bill ordered to a third reading November 22. Recommitted November 25.

Nov. 25. To regulate the payment of State taxes and State warrants. Referred to Finance and Taxation.

Nov. 25. To regulate the registration and payment of State warrants by the State Treasurer. Referred to Finance and Taxation.

Nov. 25. To repeal an act to protect the planters of this State from imposition in the sale of fertilizers. Referred to Internal Improvements.

Nov. 26. For the relief of James T. Walton. Read twice. Amended, and ordered to a third reading December 15. Read third time and lost December 16.

Nov. 28. To repeal sections 108 and 118 of an act to establish revenue laws for the State of Alabama. Referred to Finance and Taxation.

Nov. 28. To construe section 42 of an act to establish revenue laws for the State of Alabama. Referred to Finance and Taxation.

Nov. 28. To repeal an act for the encouragement of mining, manufacturing, industrial and commer-

By Mr. ROBINSON—Continued.  
1873.

- cial pursuits within the State of Alabama.  
Referred to Finance and Taxation.
- Nov. 28. To authorize the probate court of Macon county to appoint Mrs. Celia Gachet guardian of her children. Referred to Privileges and Elections.
- Dec. 4. To repeal an act to amend an act to establish revenue laws for the State of Alabama. Referred to Finance and Taxation. Substitute reported, and passed December 16.
- Dec. 4. For the relief of Shapard Hall Female College, of LaFayette, Ala. Referred to Education. Reported favorably, and bill passed December 8.
- Dec. 8. To prohibit the sale, bartering, or otherwise disposing of spirituous, vinous, or malt liquors within three miles of Milltown, at Milltown, and within three miles of Mt. Zion Church, near Adams' Cross Roads, all in Chambers county. Referred to Local Legislation.
- Dec. 10. For the relief of William H. Clemons, tax collector of Chambers county. Passed.
- Dec. 11. To fix the time of holding the chancery courts for the sixth district of the eastern chancery division, composed of the county of Macon. Passed.

By Mr. ROYAL—  
1873.

- Nov. 25. For the relief of the sheriff, clerk of the circuit and criminal courts and county solicitor of Bullock county. Referred to Finance and Taxation.
- Dec. 2. To compensate James G. Cowan of Bullock county for feeding certain prisoners. Referred to Finance and Taxation.
- Dec. 4. To amend section 2376 of the Revised Code of Alabama, so as to make it apply to contracts for tuition for children. Referred to Judiciary.
- Dec. 4. To amend section 3733 of the Revised Code of Alabama. Referred to Judiciary.

By Mr. SNODGRASS—  
1873.

- Nov. 19. To better define the corporate limits of the town of Scottsboro in the county of Jackson, and to limit the powers of taxation of the corporate authorities of said town. Referred to Municipal and County Organizations. Report favorable and bill passed, December 15.
- Nov. 19. To amend section four of an act entitled an act to regulate property exempted from sale for the payment of debts, approved April 23, 1873. Referred to Judiciary.
- Nov. 19. To provide for longer terms of the circuit court in the county of Jackson. Passed.
- Nov. 19. Joint resolution extending time for rendition of amount of taxes to Auditor, attachment of penalties and enforcement of collection of taxes by sale of property by tax collectors of Alabama. Referred to Finance and Taxation.
- Nov. 20. To provide for the appointment of two inspectors of public roads in each of the election precincts in Jackson county, where it may be deemed by the commissioners court of said county necessary to the protection of the public good. Referred to Municipal and County Organizations. Report favorable and bill passed, December 15.
- Nov. 20. To repeal section 8 of an act entitled an act to keep in each county a proportionate share of the public school money, approved April 19, 1873, and to allow to tax collectors a reasonable compensation for the performance of duties required by said act. Referred to Education.
- Nov. 29. For the relief of Creed Taylor, assignee of John L. Kirby of the county of Marshall. Passed.
- Nov. 29. To change and define the county line between the counties of DeKalb and Cherokee. Referred to Municipal and County Organizations.
- Nov. 29. To detach a portion of the county of Blount, and attach the same to the county of St.

By Mr. SNODGRASS—Continued.  
1873.

Clair. Referred to Municipal and County Organizations.

- Dec. 8. To authorize the commissioners' court of Marshall county to allow certain claims against said county. Passed.
- Dec. 8. To amend section 2 of an act entitled an act to incorporate the town of Guntersville in the county of Marshall. Passed.
- Dec. 8. To pay for the guarding of John Levy, a prisoner, of DeKalb county. Passed.
- Dec. 8. To authorize the Governor of Alabama to endorse certain railroad bonds substituted for bonds which were lost or destroyed. Referred to Finance and Taxation.

By Mr. TERRELL—  
1873.

- Nov. 17. To repeal sections 1858, 1859 and 1860 of the Revised Code of Alabama. Referred to Judiciary.
- Nov. 17. To amend section 2562 of the Revised Code of Alabama. Referred to Judiciary. Report favorable, with amendment, and passed, November 20.
- Nov. 17. To render fraudulent and void all contracts in the nature of mortgages, liens, notes or obligations given in consideration for guano or other fertilizers, at a price exceeding thirty dollars per ton. Referred to Judiciary.
- Nov. 21. To regulate the practice in criminal cases as to the mode of *nol pros*. Referred to Judiciary with instructions.
- Nov. 25. To provide for the issuing of certificates or receipts by the State. Referred, with amendment, to the Joint Finance Committee.
- Nov. 29. To change the county line between the counties of Bullock and Barbour. Referred to Municipal and County Organizations.
- Nov. 29. To repeal an act entitled an act to repeal an act entitled an act to relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed, approved



By Mr. TERRELL—Continued.  
1873.

February 7, 1870, which said repealing act was approved April 18, 1873. Referred to Judiciary.

- Nov. 29. To impose a license and tax upon any person, firm, company or corporation engaged in the sale or purchase of guano or other fertilizers manufactured without the limits of this State. Referred to Finance and Taxation.
- Dec. 2. To prohibit the sale or giving away of spirituous, vinous or malt liquors within two and a half miles of Dudleyville Academy, in the county of Tallapoosa. Passed.
- Dec. 2. Joint resolution authorizing the Auditor to draw his warrant in favor of Patrick Doran for services rendered by him as Doorkeeper of the Senate from 13th to 31st January, 1873. Referred, with amendment, to Finance and Taxation. Withdrawn December 9.
- Dec. 5. To impose a penalty upon any officer of any railroad company or corporation of this State who fail or refuse to pay the taxes assessed against such railroad company or corporation due the State. Referred to Judiciary.
- Dec. 5. To establish the Alabama Farmers' Union to advance the farmers' interest of the State. Referred, with amendment, to Judiciary. Reported back and recommitted to a select committee December 6.
- Dec. 8. To authorize the court of county commissioners for the county of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company, or others holding the bonds of said county heretofore issued by said county to the said Savannah and Memphis Railroad Company. Passed.
- Dec. 8. To allow solicitors additional fees in certain criminal cases other than those now allowed by law. Referred to Judiciary.

By Mr. WALTON—  
1873.

- Nov. 19. To prohibit the sale of vinous or spirituous liquors within three miles of Smith's Camp Ground, located in the county of Choctaw. Passed Reconsidered, amended and again passed November 20.
- Nov. 21. To authorize Orcine D. Rutledge of Choctaw county, to redeem certain lands sold for taxes and purchased by the State. Referred to Finance and Taxation. Report favorable, and bill passed November 22.
- Nov. 26. To authorize the commissioners court of Choctaw county to increase the pay of the sheriff of said county for *ex-officio* services, and be made a preferred claim against the county treasury. Referred to Finance and Taxation. Report favorable, and bill passed December 9.
- Dec. 1. To amend an act to secure justices of the peace and notaries public in their fees in certain cases. Referred to Judiciary.
- Dec. 4. To change the names of Mrs. Carrie M. Groves and her minor son, Warner Groves, to Carrie M. Bailey and Warner Bailey. Amended and indefinitely postponed.
- Dec. 4. To require all persons holding claims against the county of Choctaw to register the same. Passed.
- Dec. 8. To authorize Mrs. Rogers, widow of Clement C. Rogers, of Choctaw county, to sell certain lands therein named. Referred to Judiciary.
- Dec. 8. Authorizing the Superintendent of Public Instruction to compromise the liabilities of the sureties on the official bond of Wm. J. Gilmore, late Superintendent of Public Instruction in Choctaw county. Referred to a select committee. Substitute reported and passed December 16.
- Dec. 15. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within the confines of beat No. 7 in Choctaw county. Passed.

By Mr. WILSON—  
1873.

- Dec. 2. To amend section one of an act entitled an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending said charter, approved March 3, 1870. Referred to a select committee.
- Dec. 6. To amend an act entitled an act to re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank of Montgomery. Referred to Federal Relations. Report favorable, and bill passed December 15.
- Dec. 10. (With memorial.) For the relief of the Masonic Temple Association of Alabama. Referred to Local Legislation.
- Dec. 11. To amend an act to authorize the county of Montgomery to issue bonds. Passed.

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**OFFICERS AND MEMBERS**  
OF THE  
**GENERAL ASSEMBLY OF ALABAMA,**  
**SESSION 1873.**

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NAME.	POSTOFFICE.	COUNTY.
McKinstry, A., Lt. Governor and President...	Mobile .....	Mobile.
Woods, M. L., Secretary..	Birmingham ..	Jefferson.
Garrett, B. F. Ass't Sec'y.	Bradford .....	Coosa.
Chardavoyne, W. V., Engrossing Clerk.....	Montgomery...	Montgomery.
Chardavoyne, L.B., As't "	Montgomery	Montgomery.
Taylor, Thomas, Assistant Engrossing Clerk..	Opelika .....	Lee.
Graham, J.H., Enrolling Clerk .....	Marion.....	Perry.
Clanton, W. H., Assistant Enrolling Clerk...	Montgomery...	Montgomery.
Clarke, R.C., Door-Keeper.	Wetumpka....	Elmore.
Woods, A. P., Page.....	Birmingham ..	Jefferson.
Hails, C., Page.....	Montgomery...	Montgomery.
Sykes, S., Page.....	Montgomery...	Montgomery.
Cothrun, W., Page.....	Centre .....	Cherokee.
Black, Jacob, ... Senator..	Eufaula .....	Barbour.
Carmichael, J. M. " "	Ozark .....	Dale.
Cobb, R. W. .... " "	Helena .....	Shelby.
Coleman, Daniel.. " "	Athens.....	Lauderdale.
Cooper, Thos. B.. " "	Centre.....	Cherokee
Cunningham, A.. " "	Talladega .....	Talladega.

NAME.	Pos	OFFICE.	COUNTY.
Curtis, A. H. ....	Senator..	Marion .....	Perry.
Dereen, J. W. ....	"	Demopolis....	Marengo.
Doster, C. S. G. .	"	Prattville....	Autauga.
Driesbach, J. D. .	"	Mt. Pleasant..	Baldwin.
Edwards, W. H. .	"	Chepultepec ..	Blount.
Ervin, R. H. ....	"	Camden .....	Wilcox.
Glass, W. W. ....	"	Tuskegee.....	Macon.
Goodloe, J. C. ....	"	Cherokee.....	Colbert.
Grayson, J. W. .	"	Huntsville....	Madison.
Hamilton, Peter..	"	Mobile .....	Mobile.
Haralson, Jere...	"	Selma.....	Dallas.
Harris, B. W. ....	"	Columbus, Ga.	Russell.
Hatch, C. W. ....	"	Greensboro....	Hale.
Hewitt, G. W. ....	"	Birmingham..	Jefferson.
Jones, J. W. ....	"	Hayneville....	Lowndes.
Leftwitch, Lloyd.	"	Falkland .....	Greene.
Little, W. G. jr..	"	Livingston....	Sumter.
Martin, John M..	"	Tuskaloosa....	Tuskaloosa.
Miller, Wm., jr..	"	Greenville ....	Butler.
Parks, W. H. ....	"	Troy .....	Pike.
Pennington, J. L.	"	Opelika.....	Lee.
Robinson, J. J. .	"	La Fayette....	Chambers.
Royal, B. F. ....	"	Union Springs.	Bullock.
Snodgrass, A. ....	"	Scottsboro ....	Jackson.
Terrell, John A..	"	Dadeville.....	Tallapoosa.
Walton, S. ....	"	Desotoville ...	Choctaw.
Wilson, A. P. ....	"	Montgomery..	Montgomery.

# NAMES

OF

## REPRESENTATIVES AND THEIR POSTOFFICES.

---

NAME.	COUNTY.	PORTOFFICE.
Lewis E. Parsons, Speaker..	Talladega...	Talladega.
Robert Barber, Clerk.....	Montgomery	Montgomery.
W. V. Turner, Ass't Clerk..	Elmore.....	Wetumpka.
D.L. Dalton, Journal Clerk.	Montgomery	Montgomery.
S. Barnard, Ass't Jour. Cl'k.	Elmore.....	Wetumpka.
Philip Joseph, Eng. Clerk..	Mobile.....	Mobile.
W.H.Council, Ass't Eng Clk.	Madison ....	Huntsville.
J. E. Harwell, Enrolling Clk.	Montgomery	Montgomery.
F. M. Shouse, Asst Enr. Clk.	Talladega...	Talladega.
M. G. Candee, Door-keeper.	Wilcox .....	Camden.
S. D. Oliver, Serg't-at-Arms.	Elmore ....	Wetumpka.
J. G. Oliver, Page.....	Elmore.....	Wetumpka.
Stephen Russell, Page.....	Montgomery	Montgomery.
Thos. Abercrombie, Page...	Montgomery	Montgomery.
Robert Cook, Page.....	Montgomery	Montgomery.
Anderson, D. C.....	Mobile.....	Mobile.
Ash, George W.....	St. Clair.....	Ashville.
Barnett, S. H.....	Monroe .....	Monroeville.
Barrow, J. H.....	Chambers...	West Point, Ga.
Barton, Jonathan.....	Winston....	Larissa.
Boyd, R. K.....	Marshall....	Guntersville.
Brewer, Leroy.....	Mobile.....	Mobile.
Broadnax, C.....	Crenshaw...	Mount Carmon.
Brown, J. E.....	Jackson ....	Scottsboro.
Brown, N. H.....	Tuskaloosa..	Tuskaloosa.
Bruce, John.....	Wilcox.....	Prairie Bluff.

NAME.	COUNTY.	POSTOFFICE.
Carson, W. E.....	Lowndes.....	Mount Willing.
Chapman, J. C.....	Clarke.....	Point Jackson.
Clarke, T. J.....	Barbour.....	Clayton.
Clarke, P. G.....	Perry.....	Uniontown.
Clopton, N. V.....	Butler.....	Greenville.
Cloud, N. B.....	Montgomery.....	Montgomery.
Cochran, Henry.....	Dallas.....	Selma.
Cockrell, S. W.....	Greene.....	Eutaw.
Cowan, J. H.....	Jackson.....	Princeton.
Crawford, Daniel.....	Coosa.....	Rockford.
Corsbie, Samuel.....	Colbert.....	Alsboro.
Davis, C. H.....	Bullock.....	Union Springs.
Dotson, Menter.....	Sumter.....	Livingston.
Dozier, John.....	Perry.....	Uniontown.
Draxler, Frank.....	Mobile.....	Mobile.
Dustan, C. W.....	Marengo.....	Demopolis.
Elliott, A. M.....	Shelby.....	Columbiana.
Ellsworth, Hales.....	Montgomery.....	Montgomery.
Fantroy, Samuel.....	Barbour.....	Eufaula.
Franklin, John N.....	DeKalb.....	Fort Payne.
Gillaspie, H. A.....	Blount.....	Blountsville.
Goldsby, J. H.....	Dallas.....	Fords.
Greene, J. K.....	Hale.....	Greensboro.
Greene, R. J.....	Jefferson.....	Irondale.
Gresham, J. B.....	Pickens.....	Carrollton.
Hamilton, A. J.....	Marion.....	Pikeville.
Hannon, J. B.....	Elmore.....	Wetumpka.
Hawkins, T. C.....	Greene.....	Haysville.
Howell, W. P.....	Cleburne.....	Oak Level.
Hunter, W. H.....	Lowndes.....	Hayneville.
Johnson, R. L.....	Dallas.....	Selma.
Jones, Samuel G.....	Lee.....	Youngsboro.
Jones, Reuben.....	Madison.....	Huntsville.
Kelly, E. D.....	Walker.....	Eldridge.
Lamb, John.....	Limestone.....	Athens.
Lawrence, G. W.....	Cherokee.....	Gaylesville.
Lee, C. S.....	Coffee.....	Elba.
Levey, J. M.....	Montgomery.....	Montgomery.
Lewis, G. S. W.....	Perry.....	Uniontown.
Lovvorn, W. D.....	Randolph.....	Lamar.
McAfee, N. S.....	Talladega.....	Talladega.
McCaskie, T. D.....	Wilcox.....	Camden.
McCoy, H. R.....	Chambers.....	Milltown.
McHugh, John H.....	Mobile.....	Mobile.

NAME.	COUNTY.	POSTOFFICE.
Mancill, E. J. ....	Covington...	Andalusia.
Manning, A. R. ....	Mobile.....	Mobile.
Masterson, Thomas .....	Lawrence ...	Courtland.
Mathews, Perry .....	Bullock.....	Union Springs.
Maull, January .....	Lowndes....	Benton.
Millen, G. R. ....	Russell .....	Fort Mitchell.
Merriwether, Willis.....	Wilcox .....	Prairie Bluff.
Moss, J. M. ....	Madison ...	Huntsville.
Murfree, Joel D. ....	Pike .....	Troy.
Musgrove, W. A. ....	Fayette .....	Palo.
Patterson, S. J. ....	Autauga ....	Autaugaville.
Patterson, George.....	Macon .....	LaPlace.
Peddy, Thomas B. ....	Lee .....	Loachapoka.
Purcell, H. ....	Henry .....	Columbia.
Reed, Robert.....	Sumter.....	Belmont.
Reese, B. W. ....	Hale .....	Greenesboro.
Renfro, J. M. ....	Calhoun ...	Jacksonville.
Simpson, John S. ....	Lawrence...	Courtland.
Slater, J. A. ....	Choctaw ...	Butler.
Smith, J. N. ....	Bibb.....	Centreville.
Smith, Anderson.....	Dallas .....	Pleasant Hill.
Smith, W. G. W. ....	Morgan .....	Forkville.
Smith, H. P. ....	Tallapoosa..	Young's Roads.
Speed, L. S. ....	Bullock.....	Union Springs.
St. Clair, Henry.....	Macon .....	Tuskegee.
Stallworth, Nicholas .....	Conecuh ...	Evergreen.
Steel, James W. ....	Madison ...	Huntsville.
Steel, Lawson.....	Montgomery	Mount Meigs.
Stone, Lewis M. ....	Pickens.....	Carrollton.
Stribling, William .....	Washington.	St. Stephens.
Taylor, B. F. ....	Lauderdale..	Centre Star.
Taylor, William .....	Sumter.....	Belmont.
Threat, F. H. ....	Marengo ...	Demopolis.
Thomas, B. R. ....	Marengo ...	Uniontown.
Treadwell, J. R. ....	Russell .....	Hurtville.
Vaughn, James M. ....	Baldwin ...	Stockton.
Walker, Thomas.....	Dallas .....	Selma.
Whatley, W. H. ....	Tallapoosa..	Fish Pond.
Weatherford, W. W. ....	Franklin....	Frankfort.
White, J. H. ....	Clay .....	Ashland.
Wilkinson, Levi.....	Dale .....	Skipperville.
Williams, A. E. ....	Barbour ...	Eufaula.
Williams, L. J. ....	Montgomery.	Montgomery.